



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, THURSDAY, DECEMBER 7, 2006

No. 134

House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: O God, the dawn of salvation approaches. You come from afar. With all

our human limitations may we stand upright, look heavenward and wait. Your light throws open the way to peace. Long, long have we been watchful. Behold, now we see You, our God,

coming in power, as in a cloud that covers all the land.

Let us rush out to meet You, our God, and ask: Are You the one to rule Your people with integrity and com-

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman*.

NOTICE

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

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TRENT LOTT, *Chairman*.

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



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passion? Tell us, are You the one to rule Your people and the nations? Need we look for another?

Since Your coming is wrapped in night's silence and peace, we fail to understand Your notion of power. Your drawing near only gives rise to questioning good news.

All you, people of the Earth, whether rich or poor, need you look for another? Rush out to meet the Lord, Your God, and say: Rule over us, Shepherd of souls. Lead us as You did of old. Show us You are the one. Then, each of us can go on our own way and find rest. For the Earthly light You have set in the distant window will draw us home for the feast of promise.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. COOPER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 758. An act to establish an inter-agency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 1285. An act to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 4766. An act to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs; and for other purposes.

H.R. 5136. An act to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of

the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The message also announced that the Senate agreed to a concurrent resolution of the following title:

H. Con. Res. 419. Concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

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

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3718. An act to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4093. An act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minute speeches on each side.

PEARL HARBOR—"LEST WE FORGET"

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

Mr. POE. Mr. Speaker, West Virginia, California, Oklahoma, Tennessee, Utah, Maryland, Nevada, Arizona. These were fierce U.S. naval battleships whose silent guns and hulls became sacred graves in the peaceful Pacific for 2,403 Americans.

These sailors on board these battle wagons fought with the courage and heroism of entire legions of warriors when attacked by a fanatical and tyrannical enemy.

"December 7, 1941, a date that will live in infamy" were words spoken by President Roosevelt that became forever embedded in the minds of patriots across our land, igniting and launching a Nation into the fiery trenches of battle.

Japanese naval commanders were concerned because they said, "What Japan has done was awake a sleeping giant," the United States.

Mr. Speaker, those of the greatest generation proved that when invaded, our people will stand up and fight,

bringing the thunder of God upon our enemies. Defending freedom and liberty was the battle cry of the sailors and soldiers that died 65 years ago today.

Mr. Speaker, we don't always choose war, but we must always choose victory. And that's just the way it is.

PRIVATIZATION OF IRAQI OIL RESOURCES

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

Mr. KUCINICH. Mr. Speaker, President Bush has cited oil as a reason for our continued presence in Iraq. The Iraq Study Group is recommending that Iraq oil law be changed to facilitate privatization of Iraq's oil resources. The Iraq report says as much as 500,000 barrels per day, that is \$1.3 billion per year in Iraqi oil wealth, is now being stolen, which is interesting since the oil ministry is the first place our troops were sent after the invasion. And we have 140,000 troops in Iraq.

How can we expect the end of the Iraq war and national reconciliation in Iraq while we advocate that Iraq's oil wealth be handled by private oil companies? And it is ironic that this report comes at the exact time that our Interior Department's Inspector General says that oil companies are cheating us, the U.S. people, out of billions of dollars and the administration is looking the other way. Is it possible that Secretary Baker has a conflict of interest, which should have precluded him from co-chairing a study group which promotes privatization of Iraq oil assets, given his ties to the oil industry? Is it possible that our troops are dying for the profits of oil?

RECOGNIZING THE WATAUGA HIGH SCHOOL FOOTBALL TEAM

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

Ms. FOXX. Mr. Speaker, I rise to pay tribute to the Watauga High School football team of 2006. The Pioneers of Watauga High School in Boone, North Carolina, set out with modest expectations and ended up just one game away from the State championship for 4-A football. They won 12 games and lost 3, and set an example of character and perseverance that made a lasting impression on their school and their community.

Frequently coming from behind in the second half to win their games, they won three times in the playoffs by one point, advancing further than any other team from Watauga County in 28 years.

Success on the football team had to be built from the ground level. And as the success of the team gained momentum in this special season, it brought a new spirit and energy to Watauga High

School and, indeed, to the whole community. In churches and stores you could hear excited conversations about the team's success.

In the end, they did not capture the State championship, but achieved something of greater and more lasting importance, the values of determination, hard work and courage in the face of adversity. In proving that history does not have to be destiny, they provided a very real example of the best of the American Dream and they lived at the heart of the American experience. Their school and their community are the better for it.

IRAQ STUDY GROUP REPORT

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

Mr. COOPER. Mr. Speaker, the Iraq Study Group has completed its work. Now it is available for all Americans to read. I would urge everyone to pick up a copy. It is only 96 pages. It contains 79 recommendations, and it is a vitally important tool to inform the debate on Iraq.

Regardless of how you feel about this report, the men and women of this commission did a commendable job in reaching a consensus. If only the American people can do the same thing.

Voters voted for change. We will have change. And over the next coming weeks during the Christmas holidays, we need to inform the debate so that everyone can give us, your representatives, your opinion about how the war should be conducted or how it should be ended. So this is a very helpful tool. It is now available for everyone. I urge all of our citizens to pick up a copy.

HOSPITAL INFECTION CONTROL

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

Mr. MURPHY. Mr. Speaker, while we are all talking and debating about the number of deaths in overseas wars, America has a dirty little secret in terms of the numbers of deaths that occur in our hospitals. About 90,000 people a year die from infections that they receive at hospitals or health care, at a cost of about \$50 billion to our health care system.

The November issue of the "American Journal of Medical Quality" said it costs about \$26,000 for each patient to treat those diseases. And it lasts an average of 20.6 days for a patient that has an infection, compared to 4.5 days without.

If we are really serious about controlling health care cost, it is not a matter of shifting the burden to having the government take it over, nor is it a matter of offering tax breaks just to carry health insurance.

This Congress, in this upcoming Congress, it is our duty, it is our responsi-

bility to finally start doing some things about reforming our health care system so we can make it a system that people can afford, and not one that is so overwhelming in cost that it ends up hurting citizens and, in fact, leading to their deaths.

THE AMERICAN PEOPLE DESERVE MORE

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

Mr. McDERMOTT. Mr. Speaker, on a day when 10 more U.S. soldiers died in Iraq, raising the number of brave Americans killed to 2,900, it is hard to find anything positive to say about the Baker Report, anything which is associated with a war which was hopelessly wrong from the outset.

It was Congress that demanded the creation of a bipartisan group to critically examine the U.S. presence. At long last, the Congress, the American people, and the reluctant President have an Iraq plan to debate, except this President's interest has already begun to wane. He recently installed his own study group, which is a sign to me the President has changed his rhetoric but has not changed the course.

America cannot and must not deal with Iraq in 2007 in the same way this President dealt with it in 2006. America needed a plan for Iraq long before the U.S. went in there. Many of the 79 recommendations made should have been implemented years ago. One recommendation that is imperative from any hope of success, diplomacy involving Iraq and Syria, has been rejected by the President before it is even debated out here in the Congress. The American people and the American soldiers deserve better than that. This President has led them into this mess and we have, now, a chance to lead them out. And he rejects the recommendations before they are even discussed. We need better than that out of the Presidency.

GO BUCKEYES

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

Ms. PRYCE of Ohio. Mr. Speaker, I rise to accept Tuesday's challenge from the gentleman from Florida, who suggested that his Florida Gators will upset the undefeated number-one ranked Ohio State Buckeyes and our soon-to-be-declared Heisman Trophy Winner, quarterback Troy Smith.

In his ill-advised wager, the congressman staked a crate of Florida oranges to a corresponding delicacy from the State of Ohio. I offer up a crate of peanut butter and chocolate buckeyes. But no such buckeye treat will ever reach his palate, for he will never savor the sweet taste of victory.

If the gentleman from Florida remains tragically optimistic about his

team's chances in Glendale, he should examine the fate of two other teams whose schedules placed them helplessly in the path of the mighty Buckeyes. The agony that permeates through the cities of Austin, Texas and Ann Arbor, Michigan should serve ample notice to the Honorable Gator Fan that Florida's berth in the 2006 Fiesta Bowl is not an opportunity for football immortality, but a certain footnote in Ohio State's storybook 2006 season.

INCREASING THE MINIMUM WAGE

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

Mr. STUPAK. Mr. Speaker, 7.5 million Americans would benefit from an increase in the minimum wage. That is 7.5 million people who are currently struggling to make ends meet in an economy where job growth is slow, pay is falling, and prices are rising.

The minimum wage is currently at a historically low level in terms of purchasing power and at a striking 50-year low when adjusted for inflation. Hardworking families are currently struggling because this Republican Congress has refused to raise the minimum wage for the past 9 years.

Democrats believe that these millions of hardworking Americans deserve a pay raise to help them make ends meet in this tough economy. We believe that no one who works full-time in this country should have to live in poverty. They deserve a shot at the American Dream, a chance to give their family the opportunity to move ahead.

Mr. Speaker, within the first 100 hours of the new Democratic Congress, we are going to give these hardworking Americans a much-needed pay raise. It is time this Congress started expanding economic prosperity to those who have been left out. I ask my Republican colleagues to join the Democratic Congress in raising the minimum wage in January.

OPPOSING "RIGHT OF RETURN" REFERENCE IN THE IRAQ STUDY GROUP REPORT

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

Mr. McHENRY. Mr. Speaker, a curious section of the Iraq Study Group final report which was submitted to the President yesterday mentions the so-called Palestinian right of return demand, and says that it should be addressed in the negotiation process to stabilize Iraq.

I am concerned that many in the region, including groups opposed to Israel's very existence, will take this mention in the Iraq Study Group report as support of a full so-called right of return.

The United States should not be seen as supporting any policy that will fundamentally alter Israel's safety and security. The so-called right of return would jeopardize the future of Israel and benefit the enemies of peace and freedom and enemies of the United States.

I strongly urge the President and this Congress to remain steadfast in our support of Israel and offer policies designed to enhance, not weaken, our most important and trusted friend and ally.

□ 1015

RAISING THE MINIMUM WAGE

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

Mr. CLEAVER. Mr. Speaker, in 1935, that old wild-eyed liberal, Franklin Delano Roosevelt, put forth a proposal to increase or to establish a minimum wage. It was 25 cents an hour. Mr. Speaker, we are now closing out 2006, and for 9 years, this Congress has failed to increase the minimum wage. Democrats strongly believe that no one in this country who works hard at a full-time job should have to live in poverty, unable to provide for their children.

On the current minimum wage they can earn only \$10,700 a year. That is shameful. It is close to being sinful. During the past year, we took the message to the American people. On November 7, they responded overwhelmingly by electing the Democratic majority to Congress.

Mr. Speaker, the Democratic majority in the next Congress will not let the American people down. Within the first 100 hours of the 110th Congress, we will pass a pay increase for the workers who need it most.

ETHICS AND THE U.S. HOUSE OF REPRESENTATIVES

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

Mr. HEFLEY. Mr. Speaker, as the 109th Congress ends, and I prepare to leave the House after 20 years, I want to speak with my colleagues one last time about ethics, and I have here 32 pages of analyses and recommendations, which I will not bore you with, nor do we have the time.

But I have had the if not unique experience, at least the unusual experience of being on the committee and being chairman of the committee for 8 years, and I have seen the best and the worst of this House of Representatives. I can tell you that my analysis is that this is an honorable House, and it is an ethical House. Most House Members desire to serve honorably and ethically. A few do not.

The integrity of this House is important to our Nation, and our integrity is

not as it should be. As Members of Congress, we will never be perfect, but we can strive to be better.

As Members of the House, we must do better.

HONORING UCSB SOCCER TEAM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, I rise today to celebrate the men's soccer team at the University of California Santa Barbara. On Sunday, this past Sunday, UCSB completed a victorious 6-0 run in the NCAA tournament and soundly defeated UCLA to claim the second Division I title in the school's history.

As a proud alumna of UCSB, I know I speak for the student body and the faculty and fellow alumni of the Santa Barbara community when I congratulate the Gauchos on their momentous victory. Coach Tim Vom Steeg, himself a UCSB grad, and his coaching staff deserve high praise for their leadership in guiding UCSB to its second college cup championship game in 3 years and its first title.

Nick Perera was named the All-College Cup Most Outstanding Offensive Player and proved to be a tremendous asset to the Gauchos during the championship game, scoring a goal and assisting on the game-winning shot. Andy Iro, selected as the All-College Cup Most Outstanding Defensive Player, also greatly contributed to keeping UCLA at bay.

The quality of UCSB's soccer program is but one example of the fine institution that is UCSB, home to five Nobel laureates, as well as stellar athletic and extracurricular activities. Go Gauchos.

STAN WILKINS

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

Mr. GINGREY. Mr. Speaker, I rise today to honor the memory of Stan Wilkins of Cartersville, Georgia, a minister, teacher and friend to so many in our community.

Dr. Wilkins passed away last week at the age of 53. While his celebrated life was certainly too short, his accomplishments as a Baptist preacher and community advocate will long be remembered.

Dr. Wilkins was only 17 years old when he answered the call to the ministry, and in the next 18 years as a pastor, most recently at Cartersville First Baptist Church, he spread his passion for education and a firm commitment for fulfilling the spiritual needs of his congregation. Dr. Wilkins also was deeply involved in the Cartersville community, serving as a member of the Bartow County Rotary Club, the United Way Allocations Board and the Good Neighbor Homeless Shelter Board.

Indeed, everyone whose life was touched by Dr. Wilkins is indebted to his enthusiasm for service and his outreach for education. Mr. Speaker, I ask you to join me in honoring the memory of Stan Wilkins, an outstanding member of the Cartersville community.

DEVELOP NEW ENERGY SOLUTIONS

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

Mr. MILLER of North Carolina. Mr. Speaker, the Republican solution to our energy needs is to drill anywhere no matter what. We desperately need to develop new energy technologies, but those efforts have been minuscule. Instead the Republican Congress has given massive tax breaks to all companies, as if they need any more incentive.

The profits of the five largest oil companies in America, ExxonMobil, Chevron, Texaco, Conoco, Phillips, BP and Shell, were \$342.4 billion in just the first quarter of this year. Next year, those companies are going to have some explaining to do. In the first 100 hours of the new Congress, we are going to take the tax breaks and subsidies that this Congress has thrown at oil companies and invest them instead in the new energy technologies that are the real solution to our energy needs.

Mr. Speaker, a real energy agenda is coming.

Mr. Speaker, it is unfortunate that Ms. PRYCE of Ohio apparently does not bet on college basketball.

LINCOLN UNIVERSITY MEN'S BASKETBALL TEAM

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

Mr. PITTS. Mr. Speaker, I rise today to recognize an amazing performance by the men's basketball team at Lincoln University in Chester County, Pennsylvania.

Last Saturday, the Lincoln Lions set an NCAA Division III record by scoring an astounding 201 points in a single game to beat Ohio State-Marion, 201-78. The Lions' unbelievable point total shattered the previous point record by almost 30 points. The game also set the record for the greatest margin of victory and most points scored in a half.

On their way to their historic win, Lincoln guard Sam Wylie set some records of his own. The senior knocked down 21 three-pointers, the most ever in NCAA Division III, and finished the game with 69 points, a school record. I congratulate the players and coaching staff of Lincoln University's men's basketball team on a historic performance.

TIME FOR A NEW DIRECTION IN
IRAQ

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

Mr. PALLONE. Mr. Speaker, for months now, President Bush has refused to listen to anyone outside of his war cabinet and for any counsel on the war in Iraq. Yesterday, the bipartisan Iraq Study Group came to the sobering conclusion that the situation in Iraq is grave and deteriorating.

We lost 10 soldiers in Iraq yesterday. We have lost more than 30 soldiers already this month. I had hoped that the President would begin to reconsider his course after the November election, but the President continues to say that American troops will remain in Iraq after he leaves office in 2 years. This is simply unacceptable. We must begin the process of redeploying our troops out of Iraq now.

The Iraqi Prime Minister was correct when he said that the war can only be won politically, and, therefore, it is time for us to bring our troops home. It is time for the politicians in Iraq to begin to work together to bring an end to the civil war and for the international community, particularly Iraq's neighbors, to work with Iraqi leaders to stabilize the Nation. Our troops have done everything they can, and it is now up to the Iraqis to take complete control of their country.

HONORING SPEAKER HASTERT

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

Mr. DREIER. Mr. Speaker, 8 years ago this month this House was in a great crisis. We had had a Speaker of the House who chose to resign. The Republican Conference selected a new Speaker, he chose to resign, and we as Members came together and called on J. Dennis Hastert to become Speaker of the House of Representatives.

It was a difficult time. We were in the midst of considering articles of impeachment, and we continued to face many great challenges ahead. As we marked earlier this year, Dennis Hastert became, following that crisis 8 years ago this month, the longest-serving Republican Speaker in the history of the U.S. House of Representatives.

During that period of time, Mr. Speaker, we know that we have gone through some amazing changes and faced some real difficulties.

Today marks the 65th anniversary of the bombing of Pearl Harbor and one can't help but think about the attack on September 11, 2001. We have not had an attack on this soil, on our soil, in large part due to the leadership that Dennis Hastert has provided in ensuring that our homeland is secure. Today we got the report of a reduction in unemployment claims, and that number, a huge drop, is further indication of the strong and growing economy that is in

place because of the actions and the leadership of Dennis Hastert.

Mr. Speaker, I think it is important for us to note that while Denny Hastert is going to remain a Member of this House and provide advice and counsel to all of us, Democrats and Republicans alike, I think it is very, very appropriate as we look at the waning days of this 109th Congress to recognize his amazing and wonderful accomplishments on behalf of the American people and this institution.

WELCOMING THE FIRST LADY OF
AZERBAIJAN

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

Ms. SEKULA GIBBS. Mr. Speaker, yesterday I had the distinct pleasure of meeting the First Lady of Azerbaijan, Dr. Mehriban Aliyev, and several individuals of her Parliament who were traveling with her. They were received in the office of Senator KAY BAILEY HUTCHISON, who hosted a reception for the First Lady of Azerbaijan.

Azerbaijan is a growing democracy and one that has a strategic relationship with the United States, in that it shares troops with the United States and other countries in Kosovo, Afghanistan and Iraq, and they support the efforts to work combating global terrorism. They also help to play a key role in securing dependable energy supplies to countries, including the United States.

The Caspian Sea Republic of Azerbaijan is rapidly modernizing and developing its offshore energy sector, including gas pipelines, which have been very beneficial to its economic growth.

Here in the United States, I would add that my district in Houston, Sugar Land is particularly aware of the importance of developing new sources of energy and expanding our global reach for energy production for our country.

We also recognize that as an emerging democracy, Azerbaijan would like to be a member of NATO and EU and is a current member of the Council of Europe, which seeks to harmonize human rights and the goals of all humans.

Mr. Speaker, I would just like to say that the First Lady of Azerbaijan is also a physician, and we share the greater good. It was an honor to receive her as well as to welcome Melanne Vermeer and Vital Voices at that reception.

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

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1096 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1096

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of December 7, 2006.

SEC. 2. It shall be in order at any time on the legislative day of December 7, 2006, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

SEC. 3. House Resolutions 810, 939, 951, and 1047 are laid upon the table.

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

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

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

Mrs. CAPITO. Mr. Speaker, House Resolution 1096 waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on this legislative day.

The rule also provides that suspensions will be in order at any time on this legislative day.

□ 1030

The resolution also provides that the Speaker or his designee shall consult with the minority leader or her designee on any suspension considered under this rule.

Mr. Speaker, this Congress has accomplished many things. We have worked on a variety of initiatives that will provide our working men and women with the resources necessary to succeed, expand access to health care, secure our borders, and continue to grow our economy. I would like to just comment on a few of these.

I am proud to say that I was part of the majority of Members that passed a raise in the Federal minimum wage for the first time in 9 years. It is important that we assist those who are struggling with the necessary tools to help them develop as individuals and in the workforce. I tell you that the hard-working men and women of West Virginia deserve this raise.

Another component of helping Americans succeed is making health care more affordable and accessible. This Congress has led the charge in modernizing our entitlement programs, allowing them to better serve the 21st-century senior.

Three years ago, we stood on this floor and passed a monumental enhancement to Medicare, the creation of a prescription drug plan under Medicare. This program has helped to provide prescription drug coverage to 91 percent of the seniors in my home State of West Virginia. The numbers do not lie. This program has been a success, and I look forward to continued work with various groups in West Virginia and throughout the country to help the remaining beneficiaries find a prescription plan that best suits their needs.

Regardless of their district's geographic location, no Member can honestly say that our Nation's immigration problems have not touched their constituents. We are all suffering from an immigration system that is clearly broken. The House passed a strong enforcement first approach last December, but, unfortunately, our friends in the other body could not come to agreement and insisted on a different plan. We must secure our borders and gain control over the flow of immigrants coming into our Nation before we can discuss any way to form a pathway to citizenship.

Finally, Mr. Speaker, the pro-growth tax policies put in this place by this Congress have fostered a strong economy. We are seeing some of the lowest unemployment in my State, the lowest unemployment in history; tax receipts have surged from economic growth, and, as a result, the deficit is beginning to fall.

We still have work to do, and that is why we are here today. Despite this record of success, there is much more work to be done. We have several measures left that should garner bipartisan support, and in an attempt to make sure that this important work is finished by the end of the legislative week as well, we are here today to pass a rule to provide for the consideration of bills under rules that would require them to pass by two-thirds majority. This allows us to consider items in a timely manner and ensure that last-minute issues are resolved prior to our adjournment.

This balanced rule provides the minority with the ability to consult with the Speaker on any suspension that is offered, ensuring that their input and views are duly considered before any legislation considered under this rule is brought to the floor.

This rule also allows for consideration of special rules reported on this legislative day. We are obviously nearing the end of our session, and this rule will allow the House to finish its business in a timely fashion.

I am proud of the accomplishments of this House over the past 2 years. I now ask my colleagues to support this rule so that we may continue the work of the American people in a timely fashion today. Completing consideration of these suspensions and remaining bills ensures that we may accomplish as much as possible in the final days in Congress.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this balanced rule.

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

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

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me the customary 30 minutes.

Mr. Speaker, the 109th Congress is ending the same way it started, in a closed and secretive fashion. I guess old habits die hard. Once again we are here on the floor debating a martial law rule that also makes today a suspension day. Here we are, once again, unsure of what we will be considering today, tonight, or tomorrow.

Now, it is hard to be shocked by the majority's tactics, because this is business as usual. Time after time the Republican majority has forced this House to consider bills under a closed process. In the 109th Congress, out of the 190 total rules reported, only one non-appropriations bill was considered under an open rule. One out of 190. That is a dismal record, even for this Republican majority.

Mr. Speaker, the trouble with this martial law rule is that it allows the House to consider any bill before we even have a chance to read it. What is going to be included in the final bill? We already know about the tax extenders, Medicare fixes and offshore drilling that will be cobbled together in one bill. What else will be thrown in here? What other surprises does this Republican majority have in store?

Just a few years ago, Mr. Speaker, liability protection for pharmaceutical companies was included in a conference report after the conference was closed. Is that going to happen again in their rush to get out of town?

Legislation is not supposed to work like this. None of the issues we are considering here are new. The Ways and Means Committee knew about the Medicare problem all year, but didn't care to act. The offshore drilling measure should be considered under regular order, but the Republican majority appears unwilling to schedule it that way. And the tax extender provisions, things like the R&D tax credits and work opportunity tax credit, to name a few, should be passed on their own and considered in the Senate in regular order.

Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That is why the 110th Congress must be different. I believe we need to rediscover openness and fairness in this House. We must insist on full and fair debate on the issues that come before this body. People should have time to read the bills before they are considered. The Rules Committee will end its regular practice of meeting

in the dead of night simply to report out a closed rule. There will be a new direction for the House of Representatives.

Mr. Speaker, I don't expect that the Democratic majority will be perfect, but I do expect the incoming majority to understand that every Member of this House, Republican and Democrat, deserves to be treated with respect and fairness. Every Member, whether it is the Speaker of the House or a freshman in the minority party, represents the same number of people. Everyone deserves to be heard, everyone deserves to know what we are voting on, and nobody deserves a process as undemocratic and insulting as the one before us.

Mr. Speaker, this is a sad, but fitting, way to end the 109th Congress. As I said, old habits die hard. I hope this is truly the end of an era where rules, respect for this institution, and democracy didn't matter, and the beginning of a new direction for the House of Representatives.

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

Mrs. CAPITO. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee, who has led us very ably over the last several years.

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to the gentlewoman from West Virginia for her great service on the Rules Committee and to say that I was listening to the comments of my colleague to the other side of the aisle upstairs and came down because I was reminded of what is described as the "Moral of the Work" at the beginning of each of Winston Churchill's great volumes that he provided: *The Gathering Storm*. You can go through the litany of them. But there were four points in the "Moral of the Work." He said in war, resolution; in defeat, defiance; in victory, magnanimity; in peace, goodwill.

We all acknowledge and congratulate our Democratic colleagues on the fact that they have won the majority. I certainly hope that it is going to be for only a 2-year period. But I congratulate them and look forward to working with them in a bipartisan way on a wide range of public policy questions that we will face in the 110th Congress.

But the rule that we are considering right now, Mr. Speaker, will allow for Democrats to have an opportunity to offer measures under suspension of the rules. We receive loads of requests from Democrats who very much want to have an opportunity to have their measures brought to the floor. This rule allows for consideration of those measures.

I would also like to say that as we look at the challenge of trying to ensure that we open up new markets for U.S. workers around the world, and as we work to put into place the economic growth policies that have brought us

an amazingly low unemployment rate, and I heard my friend from West Virginia talk about the fact that we have seen an unemployment rate in her State of West Virginia actually at an extraordinarily low level, and across the country we have a 4.6 percent unemployment rate, and what we are trying to do is to put into place policies before we adjourn the 109th Congress that will sustain that economic growth pattern that we fortunately have seen, and, as we got the news this morning, a plummeting of the number of jobless claims.

So we continue to have very positive news, and it is because of these policies, and we are determined before we adjourn the 109th Congress sine die to make sure that we have these measures in place. That is all this rule does.

So we can have a wide range of criticism leveled at what it is that we have done. I frankly am very proud of the things that we have accomplished.

I see two of my colleagues from Georgia here, Mr. PRICE, and Dr. GINGREY, who have worked very hard on the Rules Committee. I mentioned my friend from West Virginia, Mrs. CAPITO. And we have been able to do a lot of things in a bipartisan way as well, Mr. Speaker.

So it seems to me that we should recognize that moving ahead with this rule, passing it, will allow us to get on a road towards completing our work on behalf of the American people.

So again I conclude by congratulating my colleagues for having won the majority. I congratulate them and look forward to working with them. And it is my hope that the "Moral of the Work" as put forward by Winston Churchill can in fact be subscribed to by people on both sides of the aisle.

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

Mr. Speaker, just for the record, I have no problem with the fact that people can offer suspension bills today. My problem is with the martial law rule, the martial law rule which waives clause 6(a) of rule XIII to provide for same day consideration of any rule reported on the legislative day of December 7, 2006.

This rule, which circumvents the regular 1-day layover requirement for consideration of a rule, will allow the House to consider any rule on any piece of legislation on the House floor on the same day the rule is reported without requiring the standard two-thirds vote for same-day consideration of a rule.

I guess the problem I have is, again, not with suspension bills, which are mostly noncontroversial bills, but my problem is with significant pieces of legislation, some legislation which may not have even been heard by committees of jurisdiction, which may not have been reported out of committees of jurisdiction, bills that will come before us that the House has never even considered, things that we will not have an opportunity to be able to read before we vote on them.

I keep on hearing that we need to consider our business in a timely fashion. Well, what is the rush? We could be here next week. Since they didn't get their work done before the election, we can stay here another week and do this right.

I think people expect Members of Congress when they vote on legislation to know what they are voting on. They don't want any more backroom deals. They don't want to read in the newspapers a week or two weeks from now that the House passed some omnibus bill that had all these objectionable provisions included in it.

So my point is that this is a bad process and we should do better, and I hope in the future we will do better. But here we are today, and I think those who care about responsible legislating should oppose this rule.

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

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

Mr. Speaker, as one who cares about responsible legislating, I guess I would like to say that I have been in the legislative process now for 10 years, 4 years in my State House and 6 years now here in Congress. When you reach the end of a legislative session, there is always, rightly or wrongly, a rush to wrap up loose ends, to make sure that you don't leave issues undone, untied, so that you can start afresh in the new Congress.

But I would like to tell the gentleman something he probably already knows, that in the 103rd Congress, which was the last Congress that the Democrats had control, they actually used the same-day rule provisions 22 times, and this Congress, rightly or wrongly, has used the same-day rule 20 times.

So I would like to ask the gentleman, what I am hearing you say, and I know you will be on the Rules Committee and I will be leaving the Rules Committee because of the new majority-minority makeup in the committee, but what I am hearing you say is that you are basically promising that this same-day rule provision that we have used in the 109th Congress will not be a provision or mechanism that you will be using next December when you have control of the Rules Committee.

□ 1045

I would like to hear if that is what you are saying, and I would hope that by the rhetoric that I am hearing from you today that this is the direction that you want to take the committee. You will be part of the leadership of that committee.

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

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

Let me respond to the gentleman by saying that I hope that we do not have to use martial law rules, and I hope that we will do our business. Actually, we are going to work 5 days a

week, so we will be able to get our business done in a timely fashion, in a professional fashion.

But what I object to about the way this House has been run, it is not just the martial law rules, it has been the closed rules in general. It has been the closing off debate and denying not just Democrats but Republicans the chance to offer amendments on the House floor, the chance to be heard.

I am not saying every rule will be an open rule. I am not saying the Democrats are going to be perfect, but what I do believe is that we will be significantly better. We have to be.

I think one of the reasons why people have such a low regard for this Congress is they have watched how this Congress has been run, and they have seen how closed it has been and they have seen the results of that closed process: items that appear in legislation that never had committee hearings, that had never been debated on the House floor mysteriously appearing in conference reports.

I think people want a more open process, a more fair process. I think if the new majority, and I hope, and I know this is a tall order, but I hope if Speaker-elect PELOSI can create a more open and fair process in this House, that it will go a long way to increasing collegiality and respect for one another.

I think a lot of the bitterness and rancor that exists in this Congress is when people feel locked out, when they feel disrespected.

So I hope we do better and I am going to fight in the Rules Committee to do better.

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

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

I thank the gentleman for his response, and I have enjoyed my 2 years of service with him on the Rules Committee. He is a mighty adversary. And I also want to say congratulations to you and to the new majority. You fought hard for it, you won it, and I look forward to the new open process that you are proposing and particularly in the first 100 hours that you are proposing in the first several days of our legislative session in the 110th Congress.

I would like to just kind of piggyback on one thing you said, and I think it really rings true. It certainly rings true in my State and everywhere.

People are tired of the way we conduct our debate here in Congress. They turn us off. They do not listen to us because we heighten the words that we use, we disrespect each other as individuals. I am not saying that you and I do, but certainly several of our Members do on both sides of the aisle. We use words that are meant to catch the 30-second sound byte, that are meant to inflame one side or the other.

In my service in the Rules Committee, Chairman DREIER asked me to chair a Subcommittee on Civility, and

I began working with that and working with Representative CLEAVER on the other side. We joined together in a Special Order where we both debated civilly over the pros and cons of tax relief without throwing the usual big word bantering, disrespecting words at one another that we have a tendency to do in our debate. I would ask my colleagues who are listening, join together in this effort with Representative CLEAVER so we can grow the amount of Members, we can have Special Orders where we debate the pros and cons of such hot issues like the war in Iraq or immigration or tax relief, all these things that are so important to the American public, but we do it in a way where we have a little bit more time where we can go back and forth and ask each other questions. It is difficult the way our structured debate is, to actually make a point in one minute and then be able to respond to the other side.

So I would join with my colleague and maybe convince him to join our Subcommittee on Civility and we can have longer, more meaningful, and I think the American public would actually embrace the opportunity to sit down in front of their TV, watch C-SPAN for an hour, become educated on an issue on both sides, and then understand a little bit more about why we are voting one way or the other, where our belief systems are.

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

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

Let me also say to my colleague from West Virginia that I have enjoyed serving on the Rules Committee with her as well, and I have enjoyed our debates. I admire her intellect and I appreciate her efforts to create a more civil Congress, and I regret that she will no longer be on the Rules Committee because I thought she added a lot to the debate and to the civility in that committee.

Again, Mr. Speaker, I would simply say to my colleagues that this process is not the process in which we should conduct our business. This martial law rule is not needed. We can stay here next week and get our business done in regular order. There is no need to rush out of here, and my fear is that we have created a process in which Members are not going to have an opportunity to even know what they are voting on.

So, with that, I would urge my colleagues to vote "no" on this martial law rule.

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

Mrs. CAPITO. Mr. Speaker, I want to thank my colleague. Again, I urge my colleagues to join me in supporting this rule to provide that suspensions will be in order anytime the legislative day of December 7, a very historic day in our Nation's history, 2006, and that special rules will be considered on the same day.

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

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered. The vote was taken by electronic device, and there were—yeas 212, nays 190, not voting 30, as follows:

[Roll No. 528]

YEAS—212

Aderholt	Gilchrest	Neugebauer
Akin	Gillmor	Northrup
Alexander	Gingrey	Nunes
Bachus	Gohmert	Osborne
Baker	Goode	Oxley
Barrett (SC)	Goodlatte	Pearce
Bartlett (MD)	Granger	Pence
Barton (TX)	Graves	Peterson (PA)
Bass	Green (WI)	Petri
Beauprez	Pitts	Gutknecht
Biggert	Hall	Poe
Bilbray	Hart	Pombo
Bilirakis	Hastings (WA)	Porter
Bishop (UT)	Hayes	Price (GA)
Blackburn	Hayworth	Pryce (OH)
Blunt	Hefley	Putnam
Boehert	Hensarling	Radanovich
Boehner	Herger	Ramstad
Bonilla	Hobson	Regula
Bonner	Hoekstra	Rehberg
Bono	Hostettler	Reichert
Boozman	Hulshof	Renzi
Boustany	Hunter	Reynolds
Bradley (NH)	Inglis (SC)	Rogers (AL)
Brady (TX)	Issa	Rogers (KY)
Brown (SC)	Jenkins	Rogers (MI)
Brown-Waite,	Jindal	Rohrabacher
Ginny	Johnson (CT)	Ros-Lehtinen
Burgess	Johnson (IL)	Royce
Buyer	Johnson, Sam	Ryan (WI)
Calvert	Jones (NC)	Ryun (KS)
Camp (MI)	Keller	Saxton
Campbell (CA)	Kelly	Schmidt
Cannon	Kennedy (MN)	Schwarz (MI)
Cantor	King (IA)	Sekula Gibbs
Capito	King (NY)	Sensenbrenner
Carter	Kingston	Sessions
Castle	Kirk	Shadegg
Chabot	Kline	Shaw
Chocola	Knollenberg	Shays
Coble	Kolbe	Sherwood
Cole (OK)	Kuhl (NY)	Shimkus
Conaway	LaHood	Shuster
Crenshaw	Latham	Simmons
Culberson	LaTourette	Smith (NJ)
Davis (KY)	Leach	Smith (TX)
Davis, Tom	Lewis (CA)	Sodrel
Deal (GA)	Lewis (KY)	Souder
Dent	Linder	Stearns
Diaz-Balart, L.	LoBiondo	Sullivan
Diaz-Balart, M.	Lucas	Tancredo
Doolittle	Lungren, Daniel	E.
Drake	E.	Terry
Dreier	Mack	Thomas
Duncan	Manzullo	Thornberry
Ehlers	Marchant	Tiahrt
Emerson	McCaul (TX)	Tiberi
English (PA)	McCotter	Turner
Everett	McCrery	Upton
Feeney	McHenry	Walden (OR)
Ferguson	McHugh	Walsh
Fitzpatrick (PA)	McKeon	Wamp
Flake	McMorris	Weldon (FL)
Forbes	Rodgers	Weldon (PA)
Fortenberry	Mica	Weller
Fossella	Miller (FL)	Wicker
Fox	Miller (MI)	Wilson (NM)
Franks (AZ)	Miller, Gary	Wilson (SC)
Frelinghuysen	Moran (KS)	Wolf
Galleghy	Murphy	Young (AK)
Garrett (NJ)	Musgrave	Young (FL)
Gerlach	Myrick	

NAYS—190

Abercrombie	Andrews	Baldwin
Ackerman	Baca	Barrow
Allen	Baird	Bean

Becerra	Higgins	Pallone
Berkley	Hinojosa	Pascarell
Berman	Holden	Pastor
Bishop (GA)	Holt	Payne
Bishop (NY)	Honda	Pelosi
Blumenauer	Hooley	Peterson (MN)
Boren	Hoyer	Pomeroy
Boswell	Inslee	Price (NC)
Boucher	Israel	Rahall
Boyd	Jackson (IL)	Rangel
Brady (PA)	Jackson-Lee	Reyes
Brown (OH)	(TX)	Ross
Brown, Corrine	Johnson, E. B.	Rothman
Butterfield	Jones (OH)	Roybal-Allard
Capps	Kanjorski	Ruppersberger
Capuano	Kennedy (RI)	Rush
Cardin	Kildee	Ryan (OH)
Carnahan	Kilpatrick (MI)	Sabo
Carson	Kind	Salazar
Chandler	Kucinich	Sanchez, Linda
Clay	Langevin	T.
Cleaver	Lantos	Sanchez, Loretta
Clyburn	Larsen (WA)	Schakowsky
Conyers	Larson (CT)	Schiff
Cooper	Lee	Schwartz (PA)
Costa	Levin	Scott (GA)
Costello	Lewis (GA)	Scott (VA)
Cramer	Lipinski	Serrano
Crowley	Lofgren, Zoe	Sherman
Cuellar	Lowey	Sires
Cummings	Lynch	Skelton
Davis (AL)	Maloney	Slaughter
Davis (CA)	Markey	Smith (WA)
Davis (FL)	Marshall	Snyder
Davis (IL)	Matheson	Solis
Davis (TN)	Matsui	Spratt
DeFazio	McCarthy	Stark
DeGette	McCollum (MN)	Stupak
Delahunt	McDermott	Tanner
DeLauro	McGovern	Tauscher
Dicks	McIntyre	Taylor (MS)
Dingell	McKinney	Thompson (CA)
Doggett	McNulty	Thompson (MS)
Doyle	Meehan	Tierney
Edwards	Meek (FL)	Towns
Emanuel	Meeks (NY)	Udall (CO)
Engel	Melancon	Udall (NM)
Eshoo	Michaud	Van Hollen
Etheridge	Miller (NC)	Velázquez
Farr	Miller, George	Visclosky
Filmer	Mollohan	Wasserman
Ford	Moore (KS)	Schultz
Frank (MA)	Moore (WI)	Waters
Gonzalez	Moran (VA)	Watt
Gordon	Murtha	Waxman
Green, Al	Nadler	Weiner
Green, Gene	Napolitano	Wexler
Grijalva	Neal (MA)	Woolsey
Gutierrez	Oberstar	Wu
Harman	Obey	Wynn
Hastings (FL)	Olver	
Herseth	Ortiz	

NOT VOTING—30

Berry	Hyde	Pickering
Burton (IN)	Istook	Platts
Cardoza	Jefferson	Sanders
Case	Kaptur	Simpson
Cubin	Millender-	Strickland
Davis, Jo Ann	McDonald	Sweeney
Evans	Norwood	Watson
Fattah	Nussle	Westmoreland
Gibbons	Otter	Whitfield
Harris	Owens	
Hinchev	Paul	

□ 1119

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to House Resolution 1096, the following resolutions are laid on the table: H. Res. 810, H. Res. 939, H. Res. 951, and H. Res. 1047.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings

today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SUPPORTING THE GOALS AND IDEALS OF PLAN AHEAD WITH AN ADVANCE DIRECTIVE WEEK

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 934) supporting the goals and ideals of Plan Ahead with an Advance Directive Week.

The Clerk read as follows:

H. RES. 934

Whereas life and death situations confront hundreds of thousands of persons within the United States each year due to life threatening illness or injury;

Whereas advance directives offer individuals the opportunity to discuss with loved ones and family members in advance and decide what measures would be appropriate for them when it comes to end-of-life care;

Whereas the preparation of an advance directive, would advise family members, medical providers, and other persons of how an individual would want to be treated in certain crisis situations;

Whereas physicians, other health care providers, clergy, legal counsel, and family members should, or may, provide guidance and insight into determining the final wishes of a person when an advance directive is being prepared;

Whereas to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive; and

Whereas the designation of the first week of April each year as Plan Ahead with an Advance Directive Week would give honor and respect to all persons as they make critical decisions about their end-of-life care and allow death with dignity according to their own decisions: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Plan Ahead with an Advance Directive Week;

(2) encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her family members and medical professionals and others as they honor his or her final wishes; and

(3) encourages medical, civic, educational, religious, and other nonprofit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to end-of-life care are protected.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the resolution.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 934, supporting the goals and ideals of Plan Ahead with an Advance Directive Week. The resolution encourages all Americans to take time to discuss with their loved ones what their wishes would be in a health care situation where that person is unable to communicate.

As many of my colleagues are aware, an advance directive may comprise two types of legal documents that enable individuals to plan for and communicate end-of-life wishes in the event an individual is unable to convey them due to failing health.

The first type of advance directive is what is known as a living will. It documents a person's wishes concerning medical treatments at the end of life. The second type of advance directive is a medical power of attorney or a health care proxy which allows individuals to appoint a person they trust as their health care agent. This person is authorized to make medical decisions on another's behalf.

Mr. Speaker, living wills and medical powers of attorney are valuable tools to help communicate the wishes about future medical care. Thoughtfully prepared advance directives can ease the burden on those who must make health care decisions for us.

In conclusion, I want to encourage all Americans to set aside time to have what may well be one of the most important conversations that a family can have.

At this time, I would like to thank Dr. GINGREY for helping bring this important issue to the American people, and I urge my colleagues to support the resolution.

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

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

Mr. Speaker, I rise in support of House Resolution 934, legislation which supports the goals and ideals of Plan Ahead with an Advance Directive Week. Advance directives are an integral part of any care delivery plan. Simply put, advance directives are statements by competent persons which articulate that person's medical, legal and personal wishes regarding medical treatment in the event of future incapacity.

When advance directives are available, medical professionals, families and loved ones are best able to make critical care decisions should a patient become unable to make sound judgments about their health care.

This resolution encourages those 18 years of age and older to prepare advanced directives. It also encourages medical, civic, educational, religious, and other nonprofit education to promote advance directive preparation, particularly amongst their constituencies. Many organizations are already leading the effort to provide guidance

for patients on advance directive preparation, including the American Medical Association, the American Hospital Association, the American Academy of Family Physicians and the National Hospice and Palliative Care Organization.

H. Res. 934 enjoys the support of the National Consensus Project for Quality Palliative Care, a coalition of leading U.S.-based palliative care organizations dedicated to address the needs of health care professionals who care for patients with advanced, chronic or life-threatening illnesses, as well as the needs of patients' families.

I would like to thank Representative GINGREY for bringing this resolution before us today, and I encourage my colleagues to support this resolution.

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

Mr. BURGESS. Mr. Speaker, I would like now to recognize the gentleman from Georgia (Mr. GINGREY), a fellow physician who is the author of this fine piece of legislation for 5 minutes.

Mr. GINGREY. Mr. Speaker, first of all, I thank my colleague for yielding me this time, and I also thank my friend from New Jersey for his support.

Mr. Speaker, I rise today in support of H. Res. 934, a resolution that supports the goals and ideals of a Plan Ahead with an Advance Directive Week. This resolution is supported by Members on both sides of the aisle. It is endorsed by the National Hospice and Palliative Care Organization, and it is backed by the Cobb County Medical Society in Georgia, and commended to me by my friend and colleague, child psychiatrist Dr. Durk Huttenback.

As a physician for nearly 30 years, I wholeheartedly believe in executing advance directives. Every individual in this country, in every stage of life, should have conversations with their families, friends and loved ones regarding their wishes as they pertain to end-of-life care. Advance directives help clarify the desire of individuals to their health care providers, their care givers and family members during these difficult and trying times.

Advance directives are valuable tools to help communicate wishes about future medical care. Thoughtfully prepared advance directives can ease the burden on those who must make health care decisions for us. This resolution encourages all Americans to set aside time for what may very well be one of the most important conversations a family can ever have.

Giving advanced direction to those who are providing your medical care and explaining to your loved ones your wishes are essential ways to ensure that these wishes are fulfilled if those painful times present themselves and communication is not possible.

Mr. Speaker, I believe advance directives are a great avenue for facilitating these vitally important conversations, and therefore I encourage my colleagues to support this resolution.

The Federal Government can encourage the American people to have these conversations and take these important actions. By passing this resolution, groups like the National Hospice and Palliative Care Organization, as well as hospitals and nursing homes around the country can use this momentum to intensify the work they already are doing to notify and educate the American public on the importance of advance directives.

□ 1130

Advance directives are available to individuals through many different avenues. Each State government has a medical power of attorney form that a citizen can fill out and have witnessed. This then authorizes the appointed agent to make health care decisions on that individual's behalf.

In addition to State government and public health departments, there are many organizations and hospitals around the country that have advance directives available for patients and loved ones who may find themselves facing these tough decisions.

So, Mr. Speaker, I cannot say it enough. This resolution simply encourages everyone to take a moment and discuss with their loved ones what their wishes would be in a health care situation where they are unable to communicate.

I encourage my colleagues to please take this opportunity to support these many fine organizations and institutions around the country who work tirelessly to support the simple goals of education and awareness. In addition and perhaps most importantly, this is a chance to take a moment and do what is in the best interest of patients and families in our great country. Please join me in supporting House Resolution 934.

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

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize another physician from Georgia, Dr. TOM PRICE, for 3 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank my colleagues. I want to thank Congressman BURGESS, physician colleague and Congressman colleague, for yielding me time and allowing me to participate in this.

In our lives we plan for all sorts of things. Some of them are trivial and some not. We plan for vacations. We plan for changes in our jobs. We plan for changes where we live, moving. We plan for changes in education. But most of us don't plan for the time when end-of-life decisions must be made. And what, Mr. Speaker, could be more personal than those decisions, when none of us, none of us, would want others making uninformed decisions on our behalf?

So I rise and commend my colleague Dr. GINGREY, my fellow colleague from Georgia, for his leadership and his wisdom in bringing this issue forward. It is extremely important. I also want to

commend our own Cobb County Medical Society for their leadership and their persistence in maintaining attention on this vital matter.

We all take for granted the fact that we make these personal medical decisions, and most often we are able to make those decisions ourselves. But occasionally we are not conscious or competent to make these decisions, and sometimes that happens in a split second.

As an orthopedic surgeon, I would often treat patients or folks who were involved in automobile accidents, and sometimes they would arrive in the emergency in a coma, unable to participate in decisions about how they would want their care to proceed. Very important life and death decisions. And without advance directives, then their families had no guidance on the direction of these decisions. That is why advance directives are so remarkably important. They allow people to make decisions about the care that they would want to receive if they happen to become unable to speak or act for themselves.

The term "advance directives," as has been noted, really encompasses two types of legal documents for each individual. They answer the questions what and who. What would individuals want to be done? That is through a living will. And who would make those decisions for them if they were unable to make themselves? That is the medical power of attorney or health care proxy.

I also think it is interesting to note that although these are legal documents, they do not require an attorney to execute, which may be good news for folks. So I would encourage, as the others have, to make certain that they give the time and effort to this activity and make certain that they proceed with fulfilling the obligation, actually the responsibility that they have to their loved ones.

So I want to commend Congressman GINGREY once again and I want to mention really it is our desire to ask people to be prepared. Be prepared, as the resolution states, to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions. It is in the best interest of all Americans that each individual over the age of 18 communicate his or her wishes by creating an advance directive. So it is wholly important that this House of Representatives supports the goals and ideals of Plan Ahead with an Advance Directive Week; that we encourage each individual to fulfill their responsibility for those forms and we encourage medical, civic, educational, religious, and other nonprofit organizations to ask their members as well to fulfill their obligation for a living will and a medical durable power of attorney.

I want to encourage all my colleagues to support this resolution.

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

Mr. BURGESS. Mr. Speaker, we have had good participation from the House

Physicians Caucus this morning, and I just wanted to make note of that.

Mr. Speaker, I yield 2 minutes to our third speaker, who is one of our newest Members, another physician colleague from Houston, Texas, the recently elected Shelley Sekula Gibbs.

Ms. SEKULA GIBBS. Mr. Speaker, I thank the Congressman from Texas, Dr. MICHAEL BURGESS, for yielding.

I appreciate the opportunity to rise and speak in support of the gentleman from Georgia, Dr. PHIL GINGREY'S, House Resolution 934, which encourages the creation of a week that would be dedicated to the support and development of advance directives.

Advance directives are a legal document that every American should explore and hopefully will find useful. An advance directive is something that has been very helpful in my own family since I lost a spouse to cancer and then subsequently lost my father to cancer.

Now, the advance directives that come into play are something that would not take over unless the individual lost consciousness and went into a coma. Other than that, a person is able to call their own shots and make their own decisions. But if a person slips into coma, an advance directive can be very helpful in telling your family and your physicians and hospital staff in advance how you want to be taken care of. And this is very important, Mr. Speaker, and very important for all of us that we take the time to help clarify those decisions before a person slips into a coma and is unable to communicate.

Providing a family physician and the family members an advance directive can reduce confusion and reduce guesswork about what you really want for your treatment during end-of-life time if you should slip into a coma. Since illness can come unexpectedly and not all of us have the chance to make those wishes known personally, an advance directive can be very useful and can remain in a drawer or with your family physician, in your file, so that you can be at ease knowing you have made that kind of decision known in advance.

Once again I would like to thank the gentleman from Georgia, Dr. PHIL GINGREY, for bringing this resolution to the floor.

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

Mr. BURGESS. Mr. Speaker, just a housekeeping detail: I would point out that the House has previously passed this legislation. It went over to the Senate. Some modest changes were made, and this is now the legislation that will conform to those changes.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I would also urge support of the bill.

Mr. LEVIN. Mr. Speaker, I rise in support of House Resolution 934, which supports the goals and ideals of Plan Ahead with an Advanced Directive Week and encourages Americans to prepare advance directives to ensure

that their wishes and rights with respect to end-of-life care are protected.

This is an issue I became involved with back in 1990 when I introduced the Patient Self-Determination Act in the House. Senators John Danforth and Pat Moynihan introduced the companion bill in the Senate. The measure became public law in 1991. Among other things, the Act requires all Medicare and Medicaid provider organizations, including hospitals, nursing facilities, home health agencies, and hospices to provide written information to patients at the time of admission concerning an individual's right under State law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives. It also required these organizations to provide written information to patients with respect to advance directives. But even with laws like the Patient Self-Determination Act in place, only about 29 percent of Americans have a living will.

Advance directives, which include a living will stating the individual's preferences for care and a power of attorney for health care, are critical documents that each of us should have. As important as it is to encourage Americans to prepare advance directives, Congress is in a position to do more to help families make these arrangements. Last year I introduced H.R. 2058, the Advance Directives Improvement and Education Act. This bipartisan bill would build on current advance directive laws to educate Americans about living wills, give people the opportunity to discuss options with their doctors, and ensure that their wishes are honored.

In a word, the purpose of H.R. 2058 is to encourage all Americans to think about, talk about and write down their wishes for medical care near the end of life should they become unable to make decisions for themselves. It would also ensure that people's advance directives are honored, even if the directive is issued in one state and end-of-life care is given in another. The bill also encourages all Medicare beneficiaries to prepare advance directives by providing a free physician office visit for the purpose of discussing end-of-life choices, and directs the Department of Health and Human Services to conduct a public education campaign to raise awareness of the importance of planning for care near the end of life.

Let me conclude by again stating my support for the resolution before the House with the hope that we can build on this effort in the next Congress.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and agree to the resolution, H. Res. 934.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SOBER TRUTH ON PREVENTING UNDERAGE DRINKING ACT

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and concur in the

Senate amendment to the bill (H.R. 864) to provide for programs and activities with respect to the prevention of underage drinking.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sober Truth on Preventing Underage Drinking Act" or the "STOP Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 519B of the Public Health Service Act (42 U.S.C. 290bb-25b) is amended by striking subsections (a) through (f) and inserting the following:

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'alcohol beverage industry' means the brewers, vintners, distillers, importers, distributors, and retail or online outlets that sell or serve beer, wine, and distilled spirits.

"(2) The term 'school-based prevention' means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in any grade of school, kindergarten through 12th grade.

"(3) The term 'youth' means persons under the age of 21.

"(4) The term 'IOM report' means the report released in September 2003 by the National Research Council, Institute of Medicine, and entitled 'Reducing Underage Drinking: A Collective Responsibility'.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that:

"(1) A multi-faceted effort is needed to more successfully address the problem of underage drinking in the United States. A coordinated approach to prevention, intervention, treatment, enforcement, and research is key to making progress. This Act recognizes the need for a focused national effort, and addresses particulars of the Federal portion of that effort, as well as Federal support for State activities.

"(2) The Secretary of Health and Human Services shall continue to conduct research and collect data on the short and long-range impact of alcohol use and abuse upon adolescent brain development and other organ systems.

"(3) States and communities, including colleges and universities, are encouraged to adopt comprehensive prevention approaches, including—

"(A) evidence-based screening, programs and curricula;

"(B) brief intervention strategies;

"(C) consistent policy enforcement; and

"(D) environmental changes that limit underage access to alcohol.

"(4) Public health groups, consumer groups, and the alcohol beverage industry should continue and expand evidence-based efforts to prevent and reduce underage drinking.

"(5) The entertainment industries have a powerful impact on youth, and they should use rating systems and marketing codes to reduce the likelihood that underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol content.

"(6) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans.

"(7) Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and li-

censing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace, and furthering effective State tax collection.

"(c) INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

"(1) INTERAGENCY COORDINATING COMMITTEE ON THE PREVENTION OF UNDERAGE DRINKING.—

"(A) IN GENERAL.—The Secretary, in collaboration with the Federal officials specified in subparagraph (B), shall formally establish and enhance the efforts of the interagency coordinating committee, that began operating in 2004, focusing on underage drinking (referred to in this subsection as the 'Committee').

"(B) OTHER AGENCIES.—The officials referred to in paragraph (1) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug Control Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

"(C) CHAIR.—The Secretary of Health and Human Services shall serve as the chair of the Committee.

"(D) DUTIES.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking, provided, however, that nothing in this section shall be construed as transferring regulatory or program authority from an Agency to the Coordinating Committee.

"(E) CONSULTATIONS.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

"(F) ANNUAL REPORT.—

"(i) IN GENERAL.—The Secretary, on behalf of the Committee, shall annually submit to the Congress a report that summarizes—

"(I) all programs and policies of Federal agencies designed to prevent and reduce underage drinking;

"(II) the extent of progress in preventing and reducing underage drinking nationally;

"(III) data that the Secretary shall collect with respect to the information specified in clause (ii); and

"(IV) such other information regarding underage drinking as the Secretary determines to be appropriate.

"(ii) CERTAIN INFORMATION.—The report under clause (i) shall include information on the following:

"(I) Patterns and consequences of underage drinking as reported in research and surveys such as, but not limited to Monitoring the Future, Youth Risk Behavior Surveillance System, the National Survey on Drug Use and Health, and the Fatality Analysis Reporting System.

"(II) Measures of the availability of alcohol from commercial and non-commercial sources to underage populations.

"(III) Measures of the exposure of underage populations to messages regarding alcohol in advertising and the entertainment media as reported by the Federal Trade Commission.

“(IV) Surveillance data, including information on the onset and prevalence of underage drinking, consumption patterns and the means of underage access. The Secretary shall develop a plan to improve the collection, measurement and consistency of reporting Federal underage alcohol data.

“(V) Any additional findings resulting from research conducted or supported under subsection (f).

“(VI) Evidence-based best practices to prevent and reduce underage drinking and provide treatment services to those youth who need them.

“(2) ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

“(A) IN GENERAL.—The Secretary shall, with input and collaboration from other appropriate Federal agencies, States, Indian tribes, territories, and public health, consumer, and alcohol beverage industry groups, annually issue a report on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

“(B) STATE PERFORMANCE MEASURES.—

“(i) IN GENERAL.—The Secretary shall develop, in consultation with the Committee, a set of measures to be used in preparing the report on best practices.

“(ii) CATEGORIES.—In developing these measures, the Secretary shall consider categories including, but not limited to:

“(I) Whether or not the State has comprehensive anti-underage drinking laws such as for the illegal sale, purchase, attempt to purchase, consumption, or possession of alcohol; illegal use of fraudulent ID; illegal furnishing or obtaining of alcohol for an individual under 21 years; the degree of strictness of the penalties for such offenses; and the prevalence of the enforcement of each of these infractions.

“(II) Whether or not the State has comprehensive liability statutes pertaining to underage access to alcohol such as dram shop, social host, and house party laws, and the prevalence of enforcement of each of these laws.

“(III) Whether or not the State encourages and conducts comprehensive enforcement efforts to prevent underage access to alcohol at retail outlets, such as random compliance checks and shoulder tap programs, and the number of compliance checks within alcohol retail outlets measured against the number of total alcohol retail outlets in each State, and the result of such checks.

“(IV) Whether or not the State encourages training on the proper selling and serving of alcohol for all sellers and servers of alcohol as a condition of employment.

“(V) Whether or not the State has policies and regulations with regard to direct sales to consumers and home delivery of alcoholic beverages.

“(VI) Whether or not the State has programs or laws to deter adults from purchasing alcohol for minors; and the number of adults targeted by these programs.

“(VII) Whether or not the State has programs targeted to youths, parents, and caregivers to deter underage drinking; and the number of individuals served by these programs.

“(VIII) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

“(IX) The amount that the State invests, per youth capita, on the prevention of underage drinking, further broken down by the amount spent on—

“(aa) compliance check programs in retail outlets, including providing technology to prevent and detect the use of false identification by minors to make alcohol purchases;

“(bb) checkpoints and saturation patrols that include the goal of reducing and deterring underage drinking;

“(cc) community-based, school-based, and higher-education-based programs to prevent underage drinking;

“(dd) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and

“(ee) other State efforts or programs as deemed appropriate.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$1,000,000 for fiscal year 2007, and \$1,000,000 for each of the fiscal years 2008 through 2010.

“(d) NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.—

“(1) SCOPE OF THE CAMPAIGN.—The Secretary shall continue to fund and oversee the production, broadcasting, and evaluation of the national adult-oriented media public service campaign if the Secretary determines that such campaign is effective in achieving the media campaign’s measurable objectives.

“(2) REPORT.—The Secretary shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in paragraph (1), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.

“(3) CONSULTATION REQUIREMENT.—In carrying out the media campaign, the Secretary shall direct the entity carrying out the national adult-oriented media public service campaign to consult with interested parties including both the alcohol beverage industry and public health and consumer groups. The progress of this consultative process is to be covered in the report under paragraph (2).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, \$1,000,000 for fiscal year 2007 and \$1,000,000 for each of the fiscal years 2008 through 2010.

“(e) INTERVENTIONS.—

“(1) COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING.—

“(A) AUTHORIZATION OF PROGRAM.—The Administrator of the Substance Abuse and Mental Health Services Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award, if the Administrator determines that the Department of Health and Human Services is not currently conducting activities that duplicate activities of the type described in this subsection, ‘enhancement grants’ to eligible entities to design, test, evaluate and disseminate effective strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking. This subsection is subject to the availability of appropriations.

“(B) PURPOSES.—The purposes of this paragraph are to—

“(i) prevent and reduce alcohol use among youth in communities throughout the United States;

“(ii) strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

“(iii) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;

“(iv) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;

“(v) disseminate to communities timely information regarding state-of-the-art practices and initiatives that have proven to be effective in preventing and reducing alcohol use among youth; and

“(vi) enhance, not supplant, effective local community initiatives for preventing and reducing alcohol use among youth.

“(C) APPLICATION.—An eligible entity desiring an enhancement grant under this paragraph

shall submit an application to the Administrator at such time, and in such manner, and accompanied by such information as the Administrator may require. Each application shall include—

“(i) a complete description of the entity’s current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or

“(ii) a complete description of the entity’s current initiatives, and how it will use this grant to enhance those initiatives by adding a focus on underage drinking prevention.

“(D) USES OF FUNDS.—Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity’s application submitted pursuant to subparagraph (C). Grants under this paragraph shall not exceed \$50,000 per year and may not exceed four years.

“(E) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this paragraph shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

“(F) EVALUATION.—Grants under this paragraph shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on recipients of drug free community grants.

“(G) DEFINITIONS.—For purposes of this paragraph, the term ‘eligible entity’ means an organization that is currently receiving or has received grant funds under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

“(H) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this paragraph may be expended for administrative expenses.

“(I) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$5,000,000 for fiscal year 2007, and \$5,000,000 for each of the fiscal years 2008 through 2010.

“(2) GRANTS DIRECTED AT PREVENTING AND REDUCING ALCOHOL ABUSE AT INSTITUTIONS OF HIGHER EDUCATION.—

“(A) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to eligible entities to enable the entities to prevent and reduce the rate of underage alcohol consumption including binge drinking among students at institutions of higher education.

“(B) APPLICATIONS.—An eligible entity that desires to receive a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

“(i) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

“(ii) a description of how the eligible entity will target underage students in the State;

“(iii) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this section and moving toward indicators described in subparagraph (D);

“(iv) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

“(v) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

“(vi) the anticipated impact of funds provided under this paragraph in preventing and reducing the rates of underage alcohol use;

“(vii) outreach strategies, including ways in which the eligible entity proposes to—

“(I) reach out to students and community stakeholders;

“(II) promote the purpose of this paragraph;

“(III) address the range of needs of the students and the surrounding communities; and

“(IV) address community norms for underage students regarding alcohol use; and

“(viii) such additional information as required by the Secretary.

“(C) USES OF FUNDS.—Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity’s application submitted pursuant to subparagraph (B).

“(D) ACCOUNTABILITY.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this paragraph, the Secretary shall include in the notice achievement indicators for the program authorized under this paragraph. The achievement indicators shall be designed—

“(i) to measure the impact that the statewide coalitions assisted under this paragraph are having on the institutions of higher education and the surrounding communities, including changes in the number of incidents of any kind in which students have abused alcohol or consumed alcohol while under the age of 21 (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

“(ii) to measure the quality and accessibility of the programs or information offered by the eligible entity; and

“(iii) to provide such other measures of program impact as the Secretary determines appropriate.

“(E) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this paragraph shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

“(F) DEFINITIONS.—For purposes of this paragraph:

“(i) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State, institution of higher education, or nonprofit entity.

“(ii) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(iii) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“(iv) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(v) STATEWIDE COALITION.—The term ‘statewide coalition’ means a coalition that—

“(I) includes, but is not limited to—

“(aa) institutions of higher education within a State; and

“(bb) a nonprofit group, a community underage drinking prevention coalition, or another substance abuse prevention group within a State; and

“(II) works toward lowering the alcohol abuse rate by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

“(vi) SURROUNDING COMMUNITY.—The term ‘surrounding community’ means the community—

“(I) that surrounds an institution of higher education participating in a statewide coalition;

“(II) where the students from the institution of higher education take part in the community; and

“(III) where students from the institution of higher education live in off-campus housing.

“(G) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of a grant under this paragraph may be expended for administrative expenses.

“(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$5,000,000 for fiscal year 2007, and \$5,000,000 for each of the fiscal years 2008 through 2010.

“(f) ADDITIONAL RESEARCH.—

“(1) ADDITIONAL RESEARCH ON UNDERAGE DRINKING.—

“(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, collect data, and conduct or support research that is not duplicative of research currently being conducted or supported by the Department of

Health and Human Services, on underage drinking, with respect to the following:

“(i) Comprehensive community-based programs or strategies and statewide systems to prevent and reduce underage drinking, across the underage years from early childhood to age 21, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

“(ii) Annually obtain and report more precise information than is currently collected on the scope of the underage drinking problem and patterns of underage alcohol consumption, including improved knowledge about the problem and progress in preventing, reducing and treating underage drinking; as well as information on the rate of exposure of youth to advertising and other media messages encouraging and discouraging alcohol consumption.

“(iii) Compiling information on the involvement of alcohol in unnatural deaths of persons ages 12 to 20 in the United States, including suicides, homicides, and unintentional injuries such as falls, drownings, burns, poisonings, and motor vehicle crash deaths.

“(B) CERTAIN MATTERS.—The Secretary shall carry out activities toward the following objectives with respect to underage drinking:

“(i) Obtaining new epidemiological data within the national or targeted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, including harm caused to self or others as a result of adolescent alcohol use such as violence, date rape, risky sexual behavior, and prenatal alcohol exposure.

“(ii) Developing or identifying successful clinical treatments for youth with alcohol problems.

“(C) PEEER REVIEW.—Research under subparagraph (A) shall meet current Federal standards for scientific peer review.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$6,000,000 for fiscal year 2007, and \$6,000,000 for each of the fiscal years 2008 through 2010.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I am pleased to rise in support of H.R. 864, as amended, the STOP Underage Drinking Act. This legislation takes crucial steps to address the problem of underage drinking at the national level. The Senate-passed version of H.R. 864 contains several beneficial changes to the House bill which I am pleased to support.

At this time I would like to recognize Representative ROYBAL-ALLARD, lead sponsor of the bill, as well as Representative Tom Osborne of Nebraska for their hard work on this important piece of legislation.

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

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

I rise in support of H.R. 864, the Sober Truth on Preventing Underage Drinking Act, the STOP Act. The STOP Act is being reintroduced today with technical changes to further clarify the intent of this important legislation. When originally brought to the House floor on November 14 of this year, H.R. 864 passed by a vote of 373-23.

Underage drinking is a major public health concern in communities throughout our Nation. The Centers for Disease Control and Prevention has estimated that annually there are over 142,000 emergency room visits by youth, ages 12 to 20, for unintentional injuries and other health-related concerns caused by alcohol consumption. H.R. 864 is a great start in moving our Nation toward the goal of decreasing youth access to, and consumption of, alcohol.

This bill authorizes coalitions on the issue of underage drinking, funds national media campaigns about the dangers of underage drinking, and creates grant programs for preventing and reducing alcohol abuse in institutions of higher education and surrounding communities.

The STOP Act has the endorsement of key public health advocates, as well as the alcohol beverage industry. Both endorse this legislation on the basis that it recognizes that a multifaceted national effort is key to making progress in curbing underage alcohol consumption.

The issue of underage drinking deserves our immediate consideration and support. So I urge my colleagues to support this bill for a second time.

But I particularly want to thank Congresswoman ROYBAL-ALLARD and the other lead sponsors of this bill, and I know she is here to speak.

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

Mr. BURGESS. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska, the sponsor of this bill.

Mr. OSBORNE. Mr. Speaker, underage drinking currently costs the United States \$53 billion annually, according to one study. According to the American Medical Association that figure should be \$61 billion. And in the State of Nebraska, which I represent, that translates to over \$2,000 per youth in the State of Nebraska, is what the cost to the United States is.

But the cost is really counted in more than financial aspects. The Centers for Disease Control and Prevention estimates the number of underage deaths due to excessive alcohol is roughly \$4,500 a year, which is six times the death rate that we are experiencing annually in Iraq. An estimated 3 million teenagers are full-blown alcoholics and several million more have severe drinking problems. Alcohol kills six times more young people than all other illegal drugs combined. Let me say that again: it kills

six times what cocaine, methamphetamine, heroin, marijuana does combined. And yet the Federal Government considerably underfunds the efforts to combat underage drinking. We currently spend \$1.8 billion on hard drugs and only \$71 million on underage drinking. That is a ratio of 25 to 1. That needs to be corrected.

Recent studies have found that heavy exposure to the adolescent brain to alcohol may interfere with brain development. One study found that young alcohol-dependent 15 and 16 year olds who drank heavily in early and middle adolescents performed worse on both verbal and nonverbal memory tasks, and I think it has a tremendous impact on the dropout rate in this country, which is about 30 percent. So this is certainly an educational academic problem as well.

According to an analysis performed in 2004, the average age at which 12- to 17-year-old young people begin drinking is age 13. Young people binge drink. Ninety-two percent of the alcohol consumed by 12 to 14 year olds is consumed when they are having five or more drinks on a single occasion. And on and on. So the scope of the problem is truly massive.

And the current bill, the STOP Underage Drinking bill, has been sponsored by Congresswoman ROYBAL-ALLARD, Congressmen WAMP, WOLF, ROSA DELAURO, and myself, and then Senators DEWINE and DODD in the Senate. And I am sure that there will be others who will explain, but there have been some minor technical changes. There has been an offset provided so that those who had some heartburn over the funding aspects of it should be satisfied at this point. But basically it does three or four things. It creates an Interagency Coordinating Committee to coordinate underage drinking programs, which now are kind of growing like Topsy. It also provides a national media campaign against underage drinking which is aimed at parents.

□ 1145

The fundamental fact as to whether a young person decides to use alcohol early in their life is parental attitudes. And so many parents think, well, if my young person is only using alcohol, then they will be protected from heroin and methamphetamine. And the research is exactly the opposite. It simply is a gateway drug.

The bill also does a number of other things. It provides some grants, particularly at the college campus. The number one cause of death on the college campus is underage drinking: 1,700 deaths each year. So we feel this is a good bill. It was passed before. We think the Senate has improved it.

I would like to thank those who have worked on it for a long period of time. We appreciate the bipartisan support.

Mr. PALLONE. Mr. Speaker, I yield 5 minutes to the lead sponsor of this legislation, the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, the STOP Act is a result of an enormous commitment to the future well-being of our children by a bipartisan coalition of Democrats and Republicans from both Houses who have worked in partnership with our public health advocacy groups and the alcohol beverage industry.

I thank my Senate colleagues, CHRIS DODD and MIKE DEWINE, for their tireless support of this bill over the past 3 years.

And I also thank my colleague from the House, FRANK WOLF, for his early and steadfast support of this issue in the Appropriations Committee, as well as my colleagues TOM OSBORNE, ZACH WAMP, and ROSA DELAURO for their unwavering perseverance in addressing the problem of underage drinking in this country.

I particularly want to acknowledge TOM OSBORNE and thank him for his friendship and his support on this issue and for his lifetime commitment to building a better future for our youth. TOM, your legacy here in Congress will not soon be forgotten.

I would also like to thank my advocacy friends, as well as those in the industry, for their efforts to help pass this bill in this 109th Congress.

And finally, and but certainly not least, I would like to thank my staffer, Debbie Jessup, and especially my chief of staff, Ellen Riddleberger, who has worked with me on this issue for the past 7 years. Her many talents and knowledge of the issue are greatly responsible for this bill being before us today.

Mr. Speaker, 3 weeks ago, this House overwhelmingly passed H.R. 864. Last night the Senate unanimously passed this bill with an offset and language that addresses some of the technical concerns of our Senate and House colleagues. The substance of the bill, however, remains the same as the bill the House passed on November 14.

The bill makes permanent the national anti-underage drinking media campaign directed at parents. It authorizes research to find effective strategies to deter childhood drinking, as well as makes grants available for communities and colleges to address this crisis.

In addition, the STOP Act requires an annual report by the Secretary of HHS on the progress States are making to address underage drinking.

Mr. Speaker, this effort shows what can be accomplished when we put our differences aside and work together for the future of our children. I ask my colleagues in this House to join me and the sponsors of this bill in passing it today so that we can successfully address underage drinking and turn this tragedy into a public health success story.

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

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who was a key sponsor of this bill.

Ms. DELAURO. Mr. Speaker, I want to thank all my colleagues for their many years of hard work to ensure that this bill reaches the floor: Congresswoman ROYBAL-ALLARD, Congressmen OSBORNE, WOLF and WAMP, as well as our colleagues in the other body, Senators DODD and DEWINE.

Passing the STOP Act, Congress has the opportunity to say here, enough. Enough to looking the other way when it comes to increasing problems of underage drinking. Enough of simply accepting that the average age that the kids start drinking is 13; that 7 million young people describe themselves as binge drinkers; and above all, we say enough to alcohol playing a role in the three leading causes of death among young people. It is time we do something about everyday young people engaging in behavior that leads to alcoholism.

So, Mr. Speaker, that is why we need this comprehensive bill. The STOP Act will increase resources for drinking prevention coalitions like Mothers Against Drunk Driving, which we know already have a positive impact on teenagers. It will fund additional research and create a committee that delivers a report card on the progress we are or are not making, and it will review alcohol advertisements targeted toward young people.

And lastly the STOP Act would help us fund a national media campaign directed at adults. Too often parents ignore signs in their own children. They refuse to believe their own child could have a problem, and we need to turn that around.

So I urge my colleagues, support the STOP Act. As a Member of Congress, as someone who has lost a loved one in a drunk driving accident, it is time that Congress spoke clearly and decisively about reducing underage drinking in our communities. With this bill, we can and we will.

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

Mr. PALLONE. Mr. Speaker, I would urge support of the bill again, and I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I have no further speakers.

I also would just like to point out what a privilege and an honor it has been to serve with TOM OSBORNE here in my short time in the House. And, Coach, we will miss you next year.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 864.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

BELARUS DEMOCRACY
REAUTHORIZATION ACT OF 2006

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5948) to reauthorize the Belarus Democracy Act of 2004, as amended.

The Clerk read as follows:

H.R. 5948

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Belarus Democracy Reauthorization Act of 2006”.

SEC. 2. FINDINGS.

Section 2 of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) is amended to read as follows:

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) The Government of the Republic of Belarus has engaged in a pattern of clear and uncorrected violations of human rights and fundamental freedoms.

“(2) The Government of Belarus has engaged in a pattern of clear and uncorrected violations of basic principles of democratic governance, including through a series of fundamentally flawed presidential and parliamentary elections undermining the legitimacy of executive and legislative authority in that country.

“(3) The most recent presidential elections in Belarus held on March 19, 2006, failed to meet the commitments of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections and the arbitrary use of state power and widespread detentions show a disregard for the basic rights of freedom of assembly, association, and expression, and raise doubts regarding the willingness of authorities in Belarus to tolerate political competition.

“(4) The regime of Aleksandr Lukashenka has maintained power in Belarus by orchestrating an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolish the duly-elected parliament, the 13th Supreme Soviet, install a largely powerless National Assembly, extend his term of office, and remove applicable term limits.

“(5) The Government of Belarus has failed to make a credible effort to solve the cases of disappeared opposition figures Yuri Zakharenka, Viktor Gonchar, and Anatoly Krasovskiy in 1999 and journalist Dmitry Zavadsky in 2000, even though credible allegations and evidence exist linking top officials of the Lukashenka regime with these disappearances.

“(6) Political opposition figures Aleksandr Kozulin, Tsimafei Dranchuk, Mikalay Astreyka, Artur Finkevich, Mikalay Razumau, Katsyaryna Sadouskaya, Zmitser Dashkevich, Mikhail Marynich, Mikalay Statkevych, Pavel Sevyarinets, Andrei Klimau, Valery Levaneusky, and Siarhei Skrebets have been imprisoned or served ‘corrective labor’ sentences because of their political activity.

“(7) Hundreds of pro-democratic political activists have been subjected to frequent harassment and jailings, especially during, and in the aftermath of the fatally flawed March 19, 2006, presidential elections in Belarus.

“(8) The Government of Belarus has attempted to maintain a monopoly over the country’s information space, targeting independent media for systematic reprisals and elimination, while suppressing the right to freedom of speech and expression of those dissenting from the regime.

“(9) The Belarusian authorities have perpetuated a climate of fear in Belarus by mounting a systematic crackdown on civil society through the harassment, repression, and closure of nongovernmental organizations and independent trade unions.

“(10) The Lukashenka regime has increasingly subjected leaders and members of minority and unregistered religious communities to harassment, including the imposition of heavy fines, denying permission to meet for religious services, prosecutions, and jail terms for activities in the practice of their faith.

“(11) The Belarusian authorities have further attempted to silence dissent through retribution against human rights and pro-democracy activists through threats, firings, expulsions, beatings and other forms of intimidation.”.

SEC. 3. STATEMENT OF POLICY.

The Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) is amended—

(1) by striking section 8;

(2) by redesignating sections 3 through 7 as sections 4 through 8, respectively; and

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

“SEC. 3. STATEMENT OF POLICY.

“It is the policy of the United States—

“(1) to call upon the immediate release without preconditions of all political prisoners in Belarus;

“(2) to support the aspirations of the people of the Republic of Belarus for democracy, human rights, and the rule of law;

“(3) to support the aspirations of the people of the Republic of Belarus to preserve the independence and sovereignty of their country;

“(4) to seek and support the growth of democratic movements and institutions in Belarus, with the ultimate goal of ending tyranny in that country;

“(5) to refuse to accept the results of the fatally flawed March 19, 2006, presidential elections held in Belarus and support the call for new presidential elections;

“(6) to refuse to recognize any possible referendum, or the results of any referendum, that would affect the sovereignty of Belarus; and

“(7) to work closely with other countries and international organizations, including the European Union, to promote the conditions necessary for the integration of Belarus into the European community of democracies.”.

SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) PURPOSES OF ASSISTANCE.—Section 4(a) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended—

(1) in paragraph (1), by striking “regaining their freedom and to enable them” and inserting “their pursuit of freedom, democracy, and human rights and in their aspiration”;

(2) in paragraph (2)—

(A) by striking “free and fair” and inserting “free, fair, and transparent”; and

(B) by adding at the end before the period the following: “and independent domestic observers”; and

(3) in paragraph (3), by striking “restoring and strengthening institutions of democratic governance” and inserting “the development of a democratic political culture and civil society”.

(b) ACTIVITIES SUPPORTED.—Section 4(c) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(2) by striking paragraphs (1) through (5) and inserting the following new paragraphs:

“(1) expanding independent radio and television broadcasting to and within Belarus;

“(2) facilitating the development of independent broadcast, print, and Internet media working within Belarus and from locations outside the country and supported by nonstate-controlled printing facilities;

“(3) aiding the development of civil society through assistance to nongovernmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

“(4) supporting the work of human rights defenders;

“(5) enhancing the development of democratic political parties;

“(6) assisting the promotion of free, fair, and transparent electoral processes;” and

(3) in paragraph (7) (as redesignated), by inserting “enhancing” before “international exchanges”.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMENDMENT.—Section 4(d)(1) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended by striking “2005 and 2006” and inserting “2007 and 2008”.

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed to affect the availability of funds appropriated pursuant to the authorization of appropriations under section 4(d) of the Belarus Democracy Act of 2004 (as redesignated) before the date of the enactment of this Act.

SEC. 5. RADIO AND TELEVISION BROADCASTING TO BELARUS.

(a) PURPOSE.—Section 5(a) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended by striking “RADIO BROADCASTING” and inserting “RADIO AND TELEVISION BROADCASTING”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended by striking “radio broadcasting” and inserting “radio and television broadcasting”.

(c) CONFORMING AMENDMENT.—Section 5 of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended in the heading by striking “radio broadcasting” and inserting “radio and television broadcasting”.

SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

Section 6 of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended to read as follows:

“SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

“(a) APPLICATION OF SANCTIONS.—The sanctions described in subsections (c) through (f) should apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

“(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

“(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs.

“(2) The withdrawal of politically motivated legal charges against all opposition activists and independent journalists in Belarus.

“(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovskiy, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are in any way responsible for their disappearances.

“(4) The cessation of all forms of harassment and repression against the independent

media, independent trade unions, nongovernmental organizations, youth groups, religious organizations (including their leadership and members), and the political opposition in Belarus.

“(5) The prosecution of senior leadership of the Government of Belarus responsible for the administration of fraudulent elections.

“(6) A full accounting of the embezzlement of state assets by senior leadership of the Government of Belarus, their family members, and other associates.

“(7) The holding of free, fair and transparent presidential and parliamentary elections in Belarus consistent with OSCE standards and under the supervision of internationally recognized observers and independent domestic observers.

“(C) DENIAL OF ENTRY INTO THE UNITED STATES OF SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—Notwithstanding any other provision of law, the President may exercise the authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to deny the entry into the United States of any alien who—

“(1) holds a position in the senior leadership of the Government of Belarus;

“(2) is an immediate family member of a person inadmissible under subparagraph (A); or

“(3) through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus.

“(d) PROHIBITION ON LOANS AND INVESTMENT.—

“(1) UNITED STATES GOVERNMENT FINANCING.—It is the sense of Congress that no loan, credit guarantee, insurance, financing, or other similar financial assistance should be extended by any agency of the Government of the United States (including the Export-Import Bank of the United States and the Overseas Private Investment Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

“(2) TRADE AND DEVELOPMENT AGENCY.—It is the sense of Congress that no funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

“(e) MULTILATERAL FINANCIAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States Executive Director of each international financial institution to which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

“(f) BLOCKING OF ASSETS AND OTHER PROHIBITED ACTIVITIES.—

“(1) BLOCKING OF ASSETS.—It is the sense of Congress that the President should block all property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that, on or after the date of the enactment of the Belarus Democracy Reauthorization Act of 2006—

“(A) are owned, in whole or in part, by the Government of Belarus, or by any member or family member closely linked to any member of the senior leadership of the Government of Belarus, or any person who through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine

or injure democratic institutions or impede the transition to democracy in Belarus; and

“(B) are in the United States, or in the possession or control of the Government of the United States or of any United States financial institution, including any branch or office of such financial institution that is located outside the United States.

“(2) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and interests in property under paragraph (1) should include—

“(A) payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, to the Government of Belarus, to any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by that government, or to any member of the senior leadership of the Government of Belarus;

“(B) the export or reexport to any entity owned, controlled, or operated by the Government of Belarus, directly or indirectly, of any goods, technology, or services, either—

“(i) by a United States person; or

“(ii) involving the use of any air carrier (as defined in section 40102 of title 49, United States Code) or a vessel documented under the laws of the United States; and

“(C) the performance by any United States person of any contract, including a contract providing a loan or other financing, in support of an industrial, commercial, or public utility operated, controlled, or owned by the Government of Belarus.

“(3) PAYMENT OF EXPENSES.—All expenses incident to the blocking and maintenance of property blocked under paragraph (1) should be charged to the owners or operators of such property. Such expenses may not be paid from blocked funds.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any contract or other financial transaction with any private or nongovernmental organization or business in Belarus.

“(5) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—

“(A) assistance authorized under section 4 or 5 of this Act; or

“(B) medicine, medical equipment or supplies, food, as well as any other form of humanitarian assistance provided to Belarus as relief in response to a humanitarian crisis.

“(6) PENALTIES.—Any person who violates any prohibition or restriction imposed under this subsection should be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

“(7) DEFINITIONS.—In this subsection:

“(A) AIR CARRIER.—The term ‘air carrier’ has the meaning given that term in section 40102 of title 49, United States Code.

“(B) UNITED STATES PERSON.—The term ‘United States person’ means—

“(i) any United States citizen or alien admitted for permanent residence to the United States;

“(ii) any entity organized under the laws of the United States; and

“(iii) any person in the United States.”.

SEC. 7. MULTILATERAL COOPERATION.

Section 7 of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended—

(1) by striking “to coordinate with” and inserting “the support of”; and

(2) by striking “a comprehensive” and inserting “for a comprehensive”.

SEC. 8. DEFINITIONS.

Section 9(3) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) is amended—

(1) in subparagraph (A), by inserting “governors, heads of state enterprises,” after “Chairmen of State Committees,”; and

(2) in subparagraph (B)—

(A) by striking “who is” and inserting the following: “who—

“(i) is”; and

(B) by striking “and” at the end and inserting “or”; and

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

“(ii) is otherwise engaged in public corruption in Belarus; and”.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 5948, the Belarus Democracy Act of 2006, was introduced by my good friend, Representative CHRIS SMITH of New Jersey. I would like to commend Mr. SMITH for his hard work on this issue and also for the work on supporting and promoting human rights throughout the entire world.

This important legislation reauthorizes the original Belarus Democracy Act, which was signed into law by President Bush in October of 2004. Given the anti-democratic track record of the Lukashenka regime in the past 2 years, it is entirely appropriate for Congress to reauthorize this statute.

Mr. Speaker, Belarus is often described as the last dictatorship in Europe, and the situation has only gone from bad to worse. In the past three or four years, President Alexander Lukashenka has increased repression against NGOs, media outlets, and any opponents of the government, including youth groups.

In addition, presidential elections held in March of this year were widely viewed as neither free nor fair.

Mr. Speaker, H.R. 5948 promotes democracy or democratic development, human rights and the rule of law in Belarus. It also promotes that countries enter into a democratic Euro-Atlantic community of nations.

The bill authorizes funds for fiscal years 2007 and 2008 for democracy-building activities such as support for nongovernmental organizations, development of democratic political parties and independent media. It also authorizes funds for radio and television broadcasting in Belarus.

Finally, H.R. 5948 puts Congress on record in support of sanctions against the Lukashenka regime until the Government of Belarus has made significant progress in meeting several human rights conditions.

Mr. Speaker, this is an important measure in the support of human rights and democracy in Belarus. At a time when Belarus's neighbors, such as Poland, Ukraine and the Baltic Nations, have democratic governments that respect the rights of their citizens, it is long overdue that the Lukashenka regime provide the same freedoms for its citizens.

Again, I would like to compliment my good friend, Representative SMITH, for his hard work on H.R. 5948 and on behalf of the democracy in Belarus. And I urge the passage of this bill.

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

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

Mr. Speaker, I rise in strong support of H.R. 5948, the Belarus Democracy Act of 2006.

Mr. Speaker, as the third wave of democracy spread over Europe since 1989, one country has been conspicuously absent from the momentous changes affecting its neighbors: the continuing dictatorship of Belarus. Regrettably, this continuing communist cancer in the heart of a vibrant democratic Europe threatens to metastasize to its neighbors, threatening the progress of European civilization.

Mr. Speaker, I will not try to provide an in depth catalog of the outrageous abuses of the Lukashenka regime. From stolen elections to suppression of freedom of the press to jailing opposition leaders to oppressing organized labor, the Belarusian strong-arm tactics are well known.

Early this year, after President Alexander Lukashenka won 80 percent of the vote in a fatally flawed and corrupt election for president, police arrested over 100 people protesting Lukashenka's strong-arm tactics. When the head of security services equates protests to terrorism, as the head of the Belarusian KGB did during that campaign, we should all recognize that we must act, and soon.

Some may say that this is an issue where the Europeans should take the lead, and that dealing with Belarus is their responsibility. And the Europeans, despite their divisions, are moving forward on pressuring Belarus to do more to open their society. Just this week, Mr. Speaker, the European Commission announced that it would move ahead to suspend trade preferences to Belarus because it had violated trade union norms.

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We all know that a vigorous defense of the right of association has always been a cornerstone of democratic change, and the Belarussian perfidy, in its own self-declared workers' paradise, has been recognized for what it is, and therefore to maintain a tight Communist grip on power.

Also, the European Union, in giving their top rights award, the Sakharov Award, to the three-time jailed leader of the Belarussian opposition, Mr.

Milinkevich, demonstrates European recognition of the need to support Belarussian human rights defenders and movements supporting Democratic values. I applaud the Commission's action and expect that the EU will adopt its recommendations later this month.

We here in the United States, Mr. Speaker, must play our role in supporting the efforts of our European friends. H.R. 5948 is a step in that direction. It contains efforts to buttress smart sanctions against the leaders of Belarus most responsible for human rights violations, while avoiding sanctions that would hurt the people of Belarus.

It authorizes the President to stop the entry of high-level Belarussian figures involved in state kleptomania, and it provides important support for those democratic movements and human rights advocates who are prepared to stand up to the madmen in Minsk.

Mr. Speaker, I want to applaud my good friend from New Jersey (Mr. SMITH) for continuing to fight for those who do not have the good fortune to live in a free and open society, and I look forward to working with him in the next Congress on this important issue.

Finally, Mr. Speaker, I want to mention that the United States needs to think hard about ways in which we can better promote democracy abroad. Democracy and human rights are not a dichotomy, they are different sides of the same coin. That is why I will continue to work in the next Congress towards reforming our foreign policy institutions so that they formulate long-term strategies to promote democracy in alliance with local proponents of democracy and the like-minded friends in the international community.

We need to institutionalize a long-term approach to democracy promotion that is so often lacking in a town that focuses on tomorrow's talking points. I urge all of my colleagues to support this very important piece of legislation.

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

Mr. GALLEGLY. Mr. Speaker, I yield 7 minutes to my good friend, the gentleman from New Jersey (Mr. SMITH) who is not only the sponsor of the bill, but also sponsored the 2004 bill.

Mr. SMITH of New Jersey. I want to thank my distinguished chairman for yielding; ELTON GALLEGLY, thank you so much for your leadership on this legislation.

I want to thank Mr. LANTOS, our ranking member, for his commitment to changing and reforming the last dictatorship in Europe, which is Belarus.

I especially want to thank our good friend and leader, Chairman HYDE, for his staunch belief in democracy and freedom everywhere, including this very troubled country called Belarus.

Mr. Speaker, I do strongly support and urge passage of H.R. 4958, the Belarus Democracy Reauthorization

Act of 2006, to provide sustained support for the promotion of democracy, human rights and the rule of just law in the Republic of Belarus.

I want to thank our speaker, Speaker HASTERT, for his commitment in bringing this legislation before the Congress today. Speaker HASTERT's deep personal interest in the cause of freedom in Belarus was demonstrated at his recent meeting in Vilnius in Lithuania when he met with the leaders of the democratic opposition.

It was very much appreciated by them. I know them, I have worked with them for many years. They got a great boost from his personal intervention on their behalf and for really taking the time to listen and to react to their pleas.

I am happy to say again that this legislation enjoys very broad bipartisan support. As I said, again, I want to thank Mr. LANTOS for his leadership on this as well.

As one who has worked for freedom in Belarus over many, many years, I remain deeply concerned that the Belarussian people continue to be subjected to the arbitrary and self-serving whims of a corrupt and anti-democratic regime headed by Aleksandr Lukashenka. Since the blatantly fraudulent March 19 presidential elections, which the Organization for Security and Cooperation in Europe condemned as having failed to meet international democratic standards, the pattern of repression and gross violations of human rights and fundamental freedoms has continued.

While those who dare to oppose the regime are especially targeted, roughed up, tortured, thrown into prison, the reality is that all in Belarus, outside of Lukashenka's inner circle, pay a price. Last week in Riga, President Bush pledged support to help the people of Belarus who faced a cruel regime, his words, and apt words, led by President Lukashenka.

The existence, President Bush went on to say, of such oppression in our midst offends the conscience of Europe, and the conscience of America. Mr. Speaker, this legislation would be a concrete expression and expansion of congressional commitment to the Belarussian people and would show that we stand as one in supporting freedom in Belarus.

Just within the last few months, Mr. Speaker, we have witnessed a series of patently political trials designed to further stifle peaceful democratic opposition. In the last few months, the regime continues to show its true colors, punishing those who would dare to challenge the tin-pot dictator, Aleksandr Lukashenka.

Former presidential candidate Aleksandr Kozulin was sentenced to a politically motivated 5½ years' imprisonment for alleged hooliganism and disturbing the peace. His health is precarious, and he is now well into the second month of a hunger strike.

This is only the tip of the iceberg with respect to political repression, as

many other political prisoners continue to languish in prison or so-called corrective labor camps.

By way of background, Mr. Speaker, 3 years ago I introduced the Belarus Democracy Act which passed the House and the Senate with overwhelming bipartisan support and was signed into law by President Bush in October of 2004. Prompt passage of the reauthorization act before us today will help maintain this momentum aimed at upholding the democratic aspirations of the Belarusian people.

With the continuing decline on the ground in Belarus since the fraudulent March elections, this bill is needed now more than ever. This reauthorization bill illustrates the sustained support for Belarus independence. We seek to encourage those struggling for democracy and respect for human rights in the face of formidable pressure and personal risks from this anti-democratic regime. The bill authorizes such sums as may be necessary in assistance for each of fiscal years 2007 and 2008 for democracy-building activities such as support for nongovernmental organizations, including youth groups, independent trade unions and entrepreneurs, human rights defenders, independent media, democratic political parties and international exchanges.

The bill further authorizes money for both radio and television broadcasting to the people of Belarus. While I am encouraged by the recent U.S. and EU initiatives with respect to radio broadcasting, much more needs to be done to penetrate Lukashenka's stifling information blockade.

Mr. Speaker, I hope that the administration will make this a priority. In addition, I hope that the administration would make this, like I said, a priority and much more.

In addition, H.R. 5948 calls for selective sanctions against the Lukashenka regime, and a denial of entry into the United States for senior officials of the regime, as well as those engaged in human rights and electoral abuses.

Mr. Speaker, it is my hope that the Belarus Democracy Reauthorization Act of 2006 will help end the pattern of violations of OSCE human rights and democracy commitments made by the Lukashenka regime and loosen its unhealthy monopoly on political and economic power.

I hope our efforts here today will facilitate independent Belarus's integration into democratic Europe in which the principles of democracy, human rights and rule of law are respected.

Clearly, the beleaguered Belarusian people have suffered so much over the course of the last century and deserve better than to live under a regime frighteningly reminiscent of the Soviet Union.

The struggle of the people of Belarus for dignity and freedom deserves our unyielding and consistent support. This legislation is important and timely, and I urge Members to support it.

Mr. Speaker, I strongly urge passage of H.R. 5948, the Belarus Democracy Reauthor-

ization Act of 2006, to provide sustained support for the promotion of democracy, human rights and the rule of law in the Republic of Belarus, as well as encourage the consolidation and strengthening of Belarus' sovereignty and independence. Mr. Speaker, I especially thank you for your commitment to bring this legislation before this Congress. Your deep personal interest in the cause of freedom in Belarus, as demonstrated by your recent meetings in Vilnius with the leaders of the democratic opposition, has been particularly appreciated by those struggling for the rule of law and basic human freedoms. This legislation enjoys bipartisan support, and I want to recognize and thank the tremendous collaboration of Rep. TOM LANTOS, an original cosponsor of this bill.

As one who has followed developments in Belarus over many years through my work on the Helsinki Commission, I remain deeply concerned that the Belarusian people continue to be subjected to the arbitrary and self-serving whims of a corrupt and anti-democratic regime headed by Aleksandr Lukashenka. Since the blatantly fraudulent March 19 presidential elections, which the OSCE condemned as having failed to meet international democratic standards, the pattern of repression and gross violations of human rights and fundamental freedoms. While those who would dare oppose the regime are especially targeted, the reality is that all in Belarus outside Lukashenka's inner circle pay a price.

RECENT NEWS REGARDING LUKASHENKA'S REGIME

Last week in Riga, President Bush pledged to help the people of Belarus in the face of the "cruel regime" led by President Lukashenka. "The existence of such oppression in our midst offends the conscience of Europe and the conscience of America," Bush said, adding that "we have a message for the people of Belarus: the vision of a Europe whole, free and at peace includes you, and we stand with you in your struggle for freedom." Mr. Speaker, this legislation would be a concrete expression of Congress' commitment to the Belarusian people and would show that we stand as one in supporting freedom for Belarus.

Just within the last few months, we have witnessed a series of patently political trials designed to further stifle peaceful, democratic opposition. In October, 60-year-old human rights activist Katerina Sadouskaya was sentenced to two years in a penal colony. Her "crime"? "insulting the honor and dignity of the Belarusian leader." Mr. Speaker, if this isn't reminiscent of the Soviet Union, I don't know what is. And just a few weeks ago, in a closed trial, Belarusian youth activist Zmitser Dashkevich received a one-and-a-half year sentence for "activities on behalf of an unregistered organization."

A report mandated by the Belarus Democracy Act and finally issued this past March reveals Lukashenka's links with rogue regimes such as Iran, Sudan and Syria, and his cronies' corrupt activities. According to an October 9, 2006, International Herald Tribune op-ed: "Alarming, over the last six years, Belarus has intensified its illegal arms shipment activities to the point of becoming the leading supplier of lethal military equipment to Islamic state sponsors of terrorism."

I guess we shouldn't be all that surprised that in July, Lukashenka warmly welcomed to Minsk Venezuela's Hugo Chavez. In keeping

with their bent, both pledged cooperation and denounced the West. More recently, Belarusian Foreign Minister Martynov traveled to Iran where President Ahmadinejad pledged further cooperation in the energy and defense industries. Not long ago, a member of Belarus' bogus parliament asserted on state-controlled radio that Belarus has the right to develop its own nuclear weapons. Mr. Speaker and Colleagues, Belarus is truly an anomaly in Europe, swimming against the rising tide of greater freedom, democracy and economic prosperity.

THE LEGISLATION

Three years ago, I introduced the Belarus Democracy Act which passed the House and Senate with overwhelming bipartisan support and was signed into law by President Bush in October 2004. At that time, the situation in Belarus with respect to democracy and human rights was already abysmal. The need for a sustained U.S. commitment to foster democracy and respect for human rights and to sanction Aleksandr Lukashenka and his cronies, is clear from the intensified anti-democratic policies pursued by the current leadership in Minsk. Mr. Speaker, I am pleased that countries throughout Europe have joined in a truly trans-Atlantic effort to bring the promise of freedom to the beleaguered people of Belarus. Prompt passage of the Belarus Democracy Reauthorization Act of 2006 will help maintain this momentum aimed at upholding the democratic aspirations of the Belarusian people. With the continuing decline on the ground in Belarus since the fraudulent March elections, this bill is needed now more than ever.

This reauthorization bill demonstrates the sustained U.S. support for Belarus' independence. We seek to encourage those struggling for democracy and respect for human rights in the face of the formidable pressures and personal risks from the anti-democratic regime. The bill authorizes such sums as may be necessary in assistance for each of fiscal years 2007 and 2008 for democracy-building activities such as support for nongovernmental organizations, including youth groups, independent trade unions and entrepreneurs, human rights defenders, independent media, democratic political parties, and international exchanges.

The bill further authorizes monies for both radio and television broadcasting to the people of Belarus. While I am encouraged by the recent U.S. and EU initiatives with respect to radio broadcasting, much more needs to be done to penetrate Lukashenka's stifling information blockade. Mr. Speaker, I hope that the administration will make this a priority.

In addition, H.R. 5948 calls for selective sanctions against the Lukashenka regime, and the denial of entry into the United States for senior officials of the regime—as well as those engaged in human rights and electoral abuses. In this context, I welcome the punitive sanctions imposed by both the administration and the ED which are targeted against officials—including judges and prosecutors—involved in electoral fraud and other human rights abuses.

The bill expresses the sense of the Congress that strategic exports to the Government of Belarus should be prohibited, except for those intended for democracy building or humanitarian purposes, as well as U.S. Government financing and other foreign assistance.

Of course, we would not want the exports to affect humanitarian goods and agricultural or medical products. The U.S. Executive Directors of the international financial institutions are encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance that serve humanitarian needs. Furthermore, we would encourage the blocking of the assets (in the United States) of members of the Belarus Government as well as the senior leadership and their surrogates. To this end, I welcome the Treasury Department's April 10 advisory to U.S. financial institutions to guard against potential money laundering by Lukashenka and his cronies and strongly applaud President Bush's June 19 "Executive Order Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus."

Mr. Speaker, I want to make it crystal clear that these sanctions are aimed not at the people of Belarus, but at a regime that displays contempt for the dignity and rights of its citizens even as the corrupt leadership moves to further enrich itself at the expense of all Belarusians.

ONGOING ANTI-DEMOCRATIC BEHAVIOR

To chronicle the full litany of repression over the course of Lukashenka's 12-year misrule would go well beyond the bounds of time available here. Let me cite several more recent illustrations of anti-democratic behavior which testify to the true nature of the regime.

Belarus' March 19 presidential elections can only be described as a farce, and were met with condemnation by the United States, the OSCE, the European Union and others. The Lukashenka regime's wholesale arrests of more than 1,000 opposition activists and dozens of Belarusian and foreign journalists, before and after the elections, and violent suppression of peaceful post-election protests underscore the contempt of the Belarusian authorities toward their countrymen.

Illegitimate parliamentary elections in 2004 and the recently held presidential "elections" in Belarus brazenly flaunted democratic standards. As a result of these elections, Belarus has the distinction of lacking legitimate presidential and parliamentary leadership, which contributes to that country's self-imposed isolation. Albeit safely ensconced in power, Lukashenka has not let up on the democratic opposition. Almost daily repressions constitute a profound abuse of power by a regime that has blatantly manipulated the system to remain in power.

In the last few months, the regime continues to show its true colors, punishing those who would dare to challenge the tinpot dictator. Former presidential candidate Aleksandr Kozulin was sentenced to a politically-motivated five-and-one-half-years' term of imprisonment for alleged "hooliganism" and disturbing the peace. His health is precarious as he is now well into his second month of a hunger strike.

In early August, authorities sentenced four activists of the non-partisan domestic election monitoring initiative "Partnerstva". In a patent attempt to discourage domestic observation of the fraudulent March 19 presidential elections, the four had been kept in custody since February 21. Two were released, having served their six month sentences. Two others—Tsimafei Dranchuk and Mikalay Astreyka—received stiffer sentences, although Astreyka has been released from a medium security

colony and is now in "correctional labor". Other political prisoners, including Artur Finkevich, Mikalay Autukhovich, Audrey Klimau, Ivan Kruk, Yury Lyavonau, Mikalay Razumau, Pavel Sevyarynets, Mikalay Statkevich also continue to have their freedom denied, languishing in prison or in so-called correctional labor camps.

Administrative detentions of ten or fifteen days against democratic opposition activists are almost a daily occurrence. Moreover, the Lukashenka regime continued to stifle religious expression. It refuses to register churches, temporarily detains pastors, threatens to expel foreign clergy, and refuses religious groups the use of premises to hold services. Despite the repressions, Protestant and Catholic congregations have increasingly become more active in their pursuit of religious freedom. I am also concerned about the recent explosion at a Holocaust memorial in western Belarus, the sixth act of vandalism against the monument in 14 years. Unfortunately, the local authorities have reportedly refused to open a criminal investigation. Lukashenka's minions have closed down independent think tanks, further tightened the noose around what remains of the independent media, suspended the activities of a political party, shut down the prominent literary journal *Arche*, and evicted the Union of Belarusian Writers from its headquarters. Of course, Lukashenka's pattern of contempt for human rights is nothing new—it has merely intensified with the passage of time.

Moreover, we have seen no progress on the investigation of the disappearances of political opponents—perhaps not surprisingly, as credible evidence points at the involvement of the Lukashenka regime in their murders.

Mr. Speaker, it is my hope that the Belarus Democracy Reauthorization Act of 2006 will help end to the pattern of violations of OSCE human rights and democracy commitments by the Lukashenka regime and loosen its unhealthy monopoly on political and economic power. I hope our efforts here today will facilitate independent Belarus' integration into democratic Europe in which the principles of democracy, human rights and the rule of law are respected. The beleaguered Belarusian people have suffered so much over the course of the last century and deserve better than to live under a regime frighteningly reminiscent of the Soviet Union. The struggle of the people of Belarus for dignity and freedom deserves our unyielding and consistent support.

This legislation is important and timely because Belarus, which now borders on NATO and the EU, continues to have the worst human rights and democracy record of any European state—bar none.

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

Mr. GALLEGLY. Mr. Speaker, before I yield back, I would just like to say that this is a classic example of sending a message around the world of what America is all about. We stand here in this room, not as Democrats and Republicans, but as individuals fighting oppression and human rights violations around the world.

I applaud CHRIS SMITH for his long-standing leadership. It has been an honor for me to serve with my good friend TOM LANTOS on the other side of the aisle, it doesn't seem possible that

I have been here 20 years, TOM, but he is a colleague from California. He is to be applauded.

I would be remiss if I didn't recognize our mutual friend, HENRY HYDE, a mentor of mine for every year that I have been here on an ongoing basis, who has dedicated much of his life to fighting oppression and the violation of human rights around the world.

HENRY HYDE will be missed, as he is retiring this year, but his legacy will live on, and I hope that is a message we will send to the rest of the world. That is what America is all about.

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

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 5948, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

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

The yeas and nays were ordered.

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

PALESTINIAN ANTI-TERRORISM ACT OF 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2370) to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

The Clerk read as follows:

S. 2370

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palestinian Anti-Terrorism Act of 2006".

SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the "Roadmap");

(2) to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid contact with and refrain from supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

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

“SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

“(a) LIMITATION.—Assistance may be provided under this Act to the Hamas-controlled Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

“(b) CERTIFICATION.—A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that—

“(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has—

“(A) publicly acknowledged the Jewish state of Israel’s right to exist; and

“(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the ‘Roadmap’); and

“(2) the Hamas-controlled Palestinian Authority has made demonstrable progress toward—

“(A) completing the process of purging from its security services individuals with ties to terrorism;

“(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel’s security services;

“(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

“(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

“(E) ensuring the financial transparency and accountability of all government ministries and operations.

“(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

“(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

“(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

“(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

“(e) NATIONAL SECURITY WAIVER.—

“(1) IN GENERAL.—Subject to paragraph (2), the President may waive subsection (a) with respect to—

“(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority;

“(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law; and

“(C) assistance for the judiciary branch of the Palestinian Authority and other entities.

“(2) CERTIFICATION.—The President may only exercise the waiver authority under paragraph (1) after—

“(A) consulting with, and submitting a written policy justification to, the appropriate congressional committees; and

“(B) certifying to the appropriate congressional committees that—

“(i) it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and

“(ii) the individual or entity for which assistance is proposed to be provided is not a member of, or effectively controlled by (as the case may be), Hamas or any other foreign terrorist organization.

“(3) REPORT.—Not later than 10 days after exercising the waiver authority under paragraph (1), the President shall submit to the appropriate congressional committees a report describing how the funds provided pursuant to such waiver will be spent and detailing the accounting procedures that are in place to ensure proper oversight and accountability.

“(4) TREATMENT OF CERTIFICATION AS NOTIFICATION OF PROGRAM CHANGE.—For purposes of this subsection, the certification required under paragraph (2)(B) shall be deemed to be a notification under section 634A and shall be considered in accordance with the procedures applicable to notifications submitted pursuant to that section.

“(f) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

“(2) FOREIGN TERRORIST ORGANIZATION.—The term ‘foreign terrorist organization’ means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

“(3) PALESTINIAN AUTHORITY.—The term ‘Palestinian Authority’ means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.”

(c) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2), is further amended by adding at the end the following new section:

“SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

“(a) LIMITATION.—Assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) is in effect with respect to the Palestinian Authority.

“(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

“(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS.—Assistance to meet food, water, medicine, health, or sanitation needs, or other assistance to meet basic human needs.

“(2) ASSISTANCE TO PROMOTE DEMOCRACY.—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or any other foreign terrorist organization.

“(3) ASSISTANCE FOR INDIVIDUAL MEMBERS OF THE PALESTINIAN LEGISLATIVE COUNCIL.—Assistance, other than funding of salaries or salary supplements, to individual members of the Palestinian Legislative Council who the President determines are not members of Hamas or any other foreign terrorist organization, for the purposes of facilitating the attendance of such members in programs for the development of institutions of democratic governance, including enhancing the transparent and accountable operations of such institutions, and providing support for the Middle East peace process.

“(4) OTHER TYPES OF ASSISTANCE.—Any other type of assistance if the President—

“(A) determines that the provision of such assistance is in the national security interest of the United States; and

“(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

“(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

“(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

“(c) MARKING REQUIREMENT.—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the American people or the United States Government unless the Secretary of State or, as appropriate, the Administrator of the United States Agency for International Development, determines that such marking will endanger the lives or safety of persons delivering such assistance or would have an adverse effect on the implementation of that assistance.

“(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

“(e) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—the term ‘appropriate congressional committees’ means—

“(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

“(2) FOREIGN TERRORIST ORGANIZATION.—The term ‘foreign terrorist organization’ means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).”.

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING.—Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION.—No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(4) AUDITS.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to \$1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Admin-

istration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), a visa should not be issued to any alien who is an official of, under the control of, or serving as a representative of the Hamas-led Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The restriction under subsection (a) should not apply to—

(1) the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization; and

(2) members of the Palestinian Legislative Council who are not members of Hamas or any other foreign terrorist organization.

SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), the President should restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization, who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.

SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintenance of an

office, headquarters, premises, or other facilities is vital to the national security interests of the United States.

SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REQUIREMENT.—The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

(c) DEFINITION.—In this section, the term “international financial institution” has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization (except in emergency or humanitarian situations), unless and until such organization—

(1) recognizes Israel’s right to exist;

(2) renounces the use of terrorism;

(3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and

(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

SEC. 10. ISRAELI-PALESTINIAN PEACE, RECONCILIATION AND DEMOCRACY FUND.

(a) ESTABLISHMENT OF FUND.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall establish a fund to be known as the “Israeli-Palestinian Peace, Reconciliation and Democracy Fund” (in this section referred to as the “Fund”). The purpose of the Fund shall be to support, primarily, through Palestinian and Israeli organizations, the promotion of democracy, human rights, freedom of the press, and non-violence among Palestinians, and peaceful coexistence and reconciliation between Israelis and Palestinians.

(b) ANNUAL REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for so long as the Fund remains in existence, the Secretary of State shall submit to the appropriate congressional committees a report on programs sponsored and proposed to be sponsored by the Fund.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State \$20,000,000 for fiscal year 2007 for purposes of the Fund.

SEC. 11. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority; and

(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.

SEC. 12. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) **PALESTINIAN AUTHORITY.**—The term “Palestinian Authority” has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. **ROS-LEHTINEN**) and the gentleman from California (Mr. **LANTOS**) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. **ROS-LEHTINEN**. Mr. Speaker, Senate bill 2370, the Palestinian Anti-Terrorism Act of 2006, seeks to prevent U.S. tax dollars from reaching the hands of Hamas-controlled Palestinian Authority until Hamas agrees to recognize Israel, renounces violence, and agrees to all previously made agreements.

In January of this year, Mr. Speaker, Hamas, a terror organization responsible for murdering and injuring hundreds of Israelis and scores of American citizens, took control of the Palestinian Authority. This was a tremendous blow to the efforts of the United States and to the international community that have been working to bring peace and security to the region.

Since Hamas took power, the terror group has made it clear that they have no intention of changing their hateful charter which calls for the destruction of Israel.

In fact, rockets launched by Palestinian extremists continue to rain upon Israel, and the flow of cash and weapons that are being smuggled into Gaza from Egypt is providing the terrorists the means to carry on with their destructive agenda.

The U.S. must isolate the Hamas-led government financially and diplomatically through implementing this bill. Among other provisions, Mr. Speaker, the Senate version of the bill denies

visas to any officials of the Hamas-led Palestinian Authority and designates the territory controlled under Palestinian Authority as a terrorist sanctuary under the 9/11 recommendations.

□ 1215

Similar provisions were in the House-passed version of the Palestinian Anti-Terrorism Act. However, let us focus on what is arguably the most important concern for us, the parameters and the restrictions relating to assistance to the Palestinian Authority.

While not ideal, as we would have preferred the House text in this regard, the Senate version of the Palestinian Anti-Terrorism Act works in tandem with current U.S. law and strengthens components of the current policy.

For example, current U.S. law prohibits direct assistance to the Palestinian Authority, but it offers a broad national security waiver, and it is applicable only for the duration of the fiscal year appropriations. The Senate version of the Palestinian Anti-Terrorism Act provides a very limited waiver for:

“National Security Waiver: In general, subject to paragraph (2), the President may waive subsection (a) with respect to:

(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority;

(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as president, including to maintain control of the management and security of the border crossings, to foster the Middle East peace process and to promote democracy and the rule of law; and

(C) assistance for the judiciary branch of the Palestinian Authority and other entities.”

Some of this is allowed in the House version. However, the President may only exercise this authority after, and I am reading directly from the bill: “Consulting with and submitting a written policy justification to the appropriate congressional committees and certifying to the appropriate congressional committees that it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and (ii), the individual or entity for which assistance is proposed to provided is not a member of or effectively controlled by, as the case may be, Hamas or any other foreign terrorist organization.”

Further, Mr. Speaker, the Senate bill also has a number of reporting requirements that further increase congressional authority and oversight.

Essentially, under this language, if the Congress does not believe that the threshold has been met, we can place a hold on the proposed funding and prevent such assistance from going to any individual or entity of the Palestinian Authority that is linked to Hamas or any other foreign terrorist organization.

We must look at the bill in its totality, Mr. Speaker, and the safeguards that it places on indirect assistance which coincide with many of those appearing in the House bill.

Further, while the Senate bill does not contain provisions concerning the PA and Palestinian-related activities at the United Nations, the Senate authors are committed to working with us next Congress to address these other components and make such changes as necessary to reflect the changing conditions on the ground.

This bill sends a strong message about the direction of the United States policy and provides a strong foundation from which to build on. I ask my colleagues to render their full support of this bill.

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

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

Mr. Speaker, I rise in strong support of S. 2370. At the outset, I want to pay tribute to my good friend, our distinguished colleague from Florida, for her extraordinarily effective leadership on this issue.

In January of this year, the Palestinian people shocked the world, Mr. Speaker, by electing Hamas to run the Palestinian Authority. So for nearly a full year we have been living with an extraordinary and alarming situation in the Israeli-Palestinian arena, a situation in which one party, the Hamas-controlled Palestinian Authority, refuses to recognize the very existence of the other party, the State of Israel.

It is a situation in which no negotiations are possible. It is a situation in which the Palestinian leadership has isolated the Palestinian people from the international community. Worst of all, it is a situation in which the Palestinian Authority is governed by a group of assassins and kidnapers who share the vision of the Iranian President, Ahmadinejad, that Israel should be wiped off the map.

If anything, Hamas adheres to this vision more fervently and more obsessively than even Ahmadinejad does. In fact, since Hamas took office, Iran has stepped up its financial support for Hamas, and the monstrous terrorist network of Iran, Syria, Hezbollah and Hamas has become ever more intertwined. It is this frightening situation that the legislation before us today strives conscientiously to begin to address.

Mr. Speaker, as the ally and longtime unshakeable supporter of the democratic State of Israel, we should do everything we can to demonstrate the bankruptcy of Hamas' vision and to ensure that Hamas remains too weak even to begin to implement its evil vision. The bill under consideration will help to do just that.

This legislation ensures that no U.S. taxpayer money will be used by Hamas officials and that the United States will not fund any project for which the Hamas-controlled government could

take any credit. At the same time, it allows for restrictions on aid to the Palestinian Authority to be considerably eased if Hamas loses control of the government. It also ensures that we can support the President of the Palestinian Authority, Mahmoud Abbas, also known as Abu Mazen, in a prudent fashion, to advance the cause of peace and the prospect of a peacefully negotiated two-state solution. But Abu Mazen's hold on the presidency of the Palestinian Authority is the only obstacle to Hamas' full control of all the levers of power in Palestinian society.

Mr. Speaker, let me be clear: this bill is the Senate version of legislation that this body passed in May 2006. I was the cosponsor of that legislation, along with my good friend Congresswoman ILEANA ROS-LEHTINEN of Florida.

Our legislation passed overwhelmingly, and I will frankly acknowledge that there are aspects of the legislation we are now considering that do not fully satisfy me. I think, for example, that it allows the executive branch far too much leeway to aid a government in which Hamas has significant participation, perhaps holding posts like foreign minister or interior minister, but may be said not to be fully in control of that government. For now, that is only a theoretical concern, but it will be a real concern if Hamas ever decides to join a national unity government along the lines Abu Mazen has been urging.

I nevertheless believe that this bill, sent to us by the Senate, is an appropriate response to our dire concerns about Hamas. It is the best we can do for now, and I believe it merits our firm support.

I also believe it is long past time for the Congress to make a legislative response to Hamas' disturbing electoral victory. It sends a strong message to Hamas leaders that we reject their murderous ways and that we have contempt for their refusal to recognize their neighbor, the State of Israel; it clarifies that our support for the Palestinian people is conditional on their support for a peaceful two-state solution; and it makes clear to the Palestinians that our problem is not with them, but with Hamas, both its ideology and its conduct.

A new government, and in my view that would have to be a government without any Hamas participation, can open a new era in relations with the United States and with Israel.

Our goal, Mr. Speaker, is not to punish the Palestinian people. In fact, the bill before us allows considerable scope for aid to the Palestinian people, including humanitarian assistance and support for democratization, which we hope ultimately will lead to Hamas' peaceful political demise. I think we would all agree on continuing the U.S. tradition of dealing with the humanitarian needs of any people, including the Palestinians.

Our goal is simply to demonstrate to the Palestinians and to their govern-

ment that hatred, assassination and non-recognition of neighbors is unacceptable to the civilized world and that they cannot accomplish anything if they show such contempt for the entire civilized world.

We also want to make sure that the U.S. taxpayer is not the source of one penny of aid for a government that Hamas controls, and we want to make sure that Hamas and its government are accorded absolutely no legitimacy by the United States or its representatives. This bill does those things.

Mr. Speaker, I am sickened by the fact that the Palestinians chose Hamas as their leader, and I am sickened by everything that Hamas stands for. I believe every Member of this Congress shares my views in that regard.

S. 2370 demonstrates that America will stand firm in the fight against terrorism, while remaining true to the hope for a peaceful Middle East. Indeed, I hope that our action will serve as a model for the right policy to take against terrorists, however they take power, and on behalf of a democratic ally that is the target of the vilest threats and the most dangerous enemies of any nation in the free world today. I urge all of my colleagues to support this legislation.

Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank Mr. LANTOS and the sponsor of the legislation.

Look, I fundamentally believe, and I have said for some time that aid to the Palestinians has not achieved any of our foreign policy goals. It hasn't been accountable, it hasn't gotten us a more peaceful administration there, and fundamentally I believe that it doesn't achieve what we seek to do in foreign aid.

I commend the sponsors of the legislation. I agree with both of them that this doesn't go far enough. It allows far too many loopholes. Among other things, it permits the PLO, the last vestige in the throes of the terrorist organization that passed, to continue to have a mission in New York City, in my hometown.

Let us not forget that we have provided \$1.5 billion dollars in U.S. assistance to Gaza and the West Bank. We always lead this debate with our hearts rather than our heads. When Wye River was signed, the United States said its citizens and taxpayers will put dollars on the barrelhead. When Oslo was signed, we said we will put dollars on the barrelhead.

Invariably, we the American people, are very generous in trying to live up to the aspirations we have for that region, despite the fact that every single time it proves to be for naught.

So I believe that this is a very important first step. But I also think it is important that people understand that democratization in the territories is a good thing. I agree with President Bush that having democracies and free,

open elections are good things. But they have consequences.

Many people argue in that part of the world that because we had used foreign aid in support of so many organizations of Fattah, the Palestinian people were impelled to vote for Hamas.

□ 1230

When you have a campaign based on the idea that we are going to continue terrorism, we are going to refuse to acknowledge the existence of our neighbors and the voters vote for that administration, there are consequences. One of the consequences is that the American people say we are not going to be involved.

I also cannot take the floor at this moment without speaking particularly to one critic of note of late. Being a former President of the United States gives you a vaunted place in American and world life to be someone who speaks about the important issues of the day. Unfortunately, former President Carter has turned into a polemist on this issue and an irresponsible one to say the least.

In recent appearances on television, he has gone so far, as to refer to the "Jewish lobby" as the reason we are not aiding Hamas and not doing more in the Middle East. He has had the audacity to suggest in a recent television appearance there has not been any Hamas terrorist attacks since 2004, ignoring the daily barrage of rockets coming into the south of Israel since Hamas took over. The missiles are being lobbed at schools and at hospitals.

I believe that there is a responsibility that former President Carter has, and he dishonors himself and dishonors the role of former Presidents by continuing this polemic screed. We in this body and Americans who want there to be peace in the Middle East, overwhelmingly support a two-state solution. However, voters in that part of the world voted for terrorists. They have to understand there are ramifications.

I thank the gentleman for yielding. Mr. LANTOS. Mr. Speaker, we have no additional requests for time and yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume to close.

Let me just say, again, that it is always such a pleasure to work with my wonderful mentor, Mr. LANTOS, on all of these issues dealing with the Middle East, and I hope to be working with him in an even closer manner in the future. He has been a true friend. And also Chairman HYDE who has been very generous in allowing all of the bills from our Middle East and Central Asia Subcommittee to come to the floor of the House. And we hope that this is just the beginning of a long road to peace and security in the Middle East.

I thank Mr. WEINER for the wonderful contributions that he made to the House text, and we will work on those issues in the next session.

In closing, Mr. Speaker, I would simply emphasize that this bill is but the beginning of our efforts to deny Hamas or any other foreign terrorist organization the economic resources, the political legitimacy and the excuses to pursue their threatening agenda. Hamas and other Islamic terrorist entities and their supporters are now put on notice.

We clearly outline in this bill the path to peace and security, requirements that include those outlined in international agreements. It is up to Hamas leaders to heed this call. If they do not, we will return to the floor next year to address developments on the ground. Until that time, we must undertake efforts to ensure that the United States taxpayers are not directly, nor indirectly, contributing to Hamas activities and policies.

This bill, Senate bill 2370, provides a critical tool towards such protections and safeguards. I ask my colleagues to render their full support for this bill.

Mr. BLUMENAUER. Mr. Speaker, I rise in support of S. 2370, the Palestinian Anti-Terrorism Act.

This Senate-passed bill is light-years better than the version passed by the House, which I opposed. It focuses on the Hamas-led government and reinforces the goal of a two-state solution, with a secure Israel living side-by-side with an independent Palestinian state in peace.

While I don't believe this legislation is necessary, as there is already a prohibition on U.S. assistance to foreign terrorist organizations, I recognize the progress made in this legislation toward prioritizing on the basis of our strategic interests and maintaining flexibility in our efforts to promote a peace process between Israel and the Palestinians.

I have two hesitations: One, I hope this is not read as a signal in the region—by either side—that the United States is more interested in didactics than negotiations. Two, I hope that Section 9, related to diplomatic contacts, will be interpreted as narrowly as possible, so as to allow for contact with a Hamas-led government if it is determined that such contacts could promote Israel's security and a peaceful two-state solution.

However, I greatly appreciate the changes made to this legislation and the flexibility shown by its sponsors in considering the concerns of many Members of Congress, the Bush administration, and outside experts. Because of this progress, I intend to support the bill.

Mr. CROWLEY. Mr. Speaker, I rise today in support of this legislation.

While this bill does not go as far as the House version, which passed overwhelmingly this past May, it is still provides the Administration with the necessary tools they need to bring about real peace.

The goal of this Congress is to create a peaceful solution to the conflict.

But I want to clear that the goal of this legislation is not to cause a humanitarian catastrophe but to isolate this terrorist led government, this legislation will allow funding for the basic health needs of the Palestinian people.

This solution cannot come about with Hamas in control of the Palestinian Authority while they continue to support terrorist operations on innocent civilians.

Hamas officials continue to endorse and carry out suicide bombing and missile strikes against our friend and ally Israel.

As long as Hamas continues to choose terrorism instead of peaceful coexistence, it will meet with financial and diplomatic isolation from the United States and our allies.

I have read the statements of several groups opposed to this legislation because this will create a road block towards negotiations.

What I want to know is how do you negotiate with a government who is hell bent on your destruction.

Would any member of this House negotiate with al Qaeda, I would hope not.

Hamas must be isolated not coddled and that is what this legislation will do.

Hamas would rather cling to the impossible dream of the destruction of Israel than work toward a two state solution that will bring prosperity and an end to the bloodshed that has tainted this region for so many years.

Hamas refuses to change so they must be treated like the terrorist they are.

I'm sure like me, my colleagues would rather be supporting a Palestinian Authority-led government working toward a peaceful two state solution but instead we face the realities of a Hamas-led government bent on the destruction of Israel.

Until this Hamas-led government recognizes Israel's right to exist as a Jewish State, renounces violence, dismantles its terrorist infrastructure, and halts all anti-Israel incitement the United States should never provide assistance to the Palestinian Authority-led government of Hamas.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to speak about S. 2370, the Senate-passed version of the Palestinian Anti-Terrorism Act before us today.

Earlier this year, the House considered a version of this legislation. I rose in strong opposition to that bill, because it would have unfairly punished the average Palestinian citizen for the crimes of extremist Hamas leaders. It would have shut off all aid but the most narrowly defined humanitarian assistance, ending U.S. support for successful non-governmental efforts to promote democracy, tolerance, and peace in the region. In short, though well-intentioned, it would have undermined our ability to stop attacks against Israel and to achieve our most important foreign policy goals in the region.

I was joined by several of my colleagues in opposing the bill. Though the House passed this flawed legislation, we were able to send a vital message: at this critical moment, we cannot afford to pull the rug out from those working for democracy and reconciliation in the region.

The Senate heeded our message, and passed a much improved bill. Specifically, the bill addresses two significant concerns we raised during the House debate.

First, the Senate bill provides the Administration far more flexibility to deliver aid to the Palestinian people and to those working for a peaceful resolution to the conflict. In addition to broader humanitarian aid, it explicitly authorizes "assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence."

Second, the bill expands the Administration's options for engaging diplomatically with

Palestinian leaders not associated with Hamas, including Palestinian Authority (PA) President Mahmoud Abbas, who will be a critical ally if we are to negotiate a peace agreement.

I am greatly pleased to see the improvements the Senate legislation has made, and for that reason I will support the bill's passage. However, because events have evolved since this legislation was first considered, I want to add a few words, lest our action today send the wrong message at the wrong time.

After a summer of crisis, during which the kidnapping of an Israeli soldier led Israel to send its military into Gaza, there have been several recent positive developments. First, Israeli Prime Minister Ehud Olmert and PA President Abbas negotiated a ceasefire to end the violent confrontation in Gaza. Second, both Prime Minister Olmert and President Abbas have recently made clear their commitment to resuming peace talks. And third, Palestinian leaders are reportedly on the verge of forming a unity government that would end Hamas's sole control of the PA.

Passage of this legislation at this time should not be interpreted as unawareness of these positive developments or unwillingness to support them. Such progress should be rewarded with an increased U.S. commitment to work for peace in the region, not punished by the erection of new obstacles or the imposition of new sanctions.

With that said, however, I strongly support the goals of isolating Hamas and encouraging the Palestinian leadership to renounce violence and recognize Israel's right to exist, practical and principal steps toward the resumption of negotiations aimed at a two-state solution. This bill would accomplish those goals and I will support it. I hope it will serve not as an endpoint but as a launchpad for reinvigorated U.S. action to support a settlement that will bring a lasting peace to Israelis and Palestinians.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the Senate bill, S. 2370.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FEDERAL DEPOSIT INSURANCE ACT AMENDMENT

Mr. HENSARLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6345) to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

The Clerk read as follows:

H.R. 6345

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

SECTION 1. AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.

Paragraph (10) of section 10(d) of the Federal Deposit Insurance Act (12 U.S.C.

1820(d)(10)) is amended by striking "\$250,000,000" and inserting "\$500,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HENSARLING) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6345.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 6345 which makes a minor but important change to the Financial Services Regulatory Relief Act of 2006. The Regulatory Relief Act, a strong bipartisan bill which was recently signed into law, is a strong first step in reducing the excessive regulatory burden on America's insured financial institutions in order to benefit consumers and to benefit the overall economy. This bill, which is virtually identical to the provision included in our House regulatory relief bill, which passed with overwhelming bipartisan support and which I had the honor to coauthor, will make it even better.

H.R. 6345, which is sponsored by Subcommittee Chairman BACHUS, as well as Chairman OXLEY and Ranking Member FRANK, gives banking regulators the discretion to grant well-managed and well-capitalized institutions with good ratings an 18-month bank examination cycle rather than a 12-month cycle.

The bill that we are considering today is consistent with the goals of the Regulatory Relief Act that again was signed recently into law. Prior to passage of the Regulatory Relief Act, well-managed, well-capitalized insured depository institutions that had less than \$250 million in total assets and that had an outstanding rating qualified for an 18-month exam cycle instead of the 12-month exam cycle.

In addition, the Federal banking regulators had the discretion to grant, through regulation, eligibility for the 18-month cycle to well-capitalized and well-managed institutions with good ratings, which the regulators have indeed done. The Regulatory Relief Act of 2006 included language to extend the exam cycle from 12 to 18 months only for outstanding rated institutions with assets up to \$500 million but did not make a conforming change for institutions with good ratings. H.R. 6345 simply makes that parallel change.

H.R. 6345 is commonsense legislation. Changing the current discretionary threshold from \$250 million in assets to \$500 million gives the regulators more

flexibility to focus on troubled institutions, while still examining well-capitalized, well-managed institutions at least once every 18 months. Nonetheless, the legislation would not prevent a Federal banking agency from conducting an examination of any institution more frequently, if deemed necessary.

Mr. Speaker, at this time, I insert into the RECORD a December 4, 2006 letter requesting this change, signed by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and finally, the Office of Thrift Supervision.

DECEMBER 4, 2006.

Hon. RICHARD SHELBY,
Chairman, Committee on Banking, Housing And
Urban Affairs U.S. Senate, Washington,
DC.

DEAR MR. CHAIRMAN: Before adjourning the 109th Congress, we urge you to consider the attached additional regulatory burden relief amendment that would allow the appropriate Federal banking agency to extend, from 12 months to 18 months, the on-site examination cycle for all qualifying highly rated banks and savings associations with total assets of up to \$500 million if the agency determined that such action was consistent with safety and soundness.

The Financial Services Regulatory Relief Act of 2006 ("FSRRA"), Pub. L. No. 109-351, made many important changes that relieve unnecessary burden on our nation's depository institutions. One such amendment in Section 605 raised, from \$250 million to \$500 million, the total asset threshold below which an insured depository institution may qualify for an 18-month (rather than a 12-month) examination cycle. In order to qualify for an extended 18-month exam cycle, a small insured depository institution also must be well capitalized and well managed and meet certain other supervisory conditions set forth in section 10(d) the Federal Deposit Insurance Act. See 12 U.S.C. §1820(d).

One of these other supervisory conditions relates to the composite condition of the institution. Prior to FSRRA, all insured depository institutions that had less than \$250 million in total assets (the then effective total asset limit) could qualify for an 18-month exam cycle if the institution had received a composite rating of "outstanding" or "good" at its most recent examination. This was because Federal law authorized the Federal banking agencies to permit institutions with assets of up to \$250 million in total assets and a "good" composite rating to qualify for an 18-month exam cycle if the agencies determined, as we did, that such action was consistent with principles of safety and soundness. See id. at §1820(d)(10); 63 Federal Register 16378 (April 2, 1998).

Although FSRRA raised the total asset threshold for an 18-month exam cycle to \$500 million in section 10(d)(4), the Act did not make a corresponding change to section 10(d)(10) to allow an institution with between \$250 million and \$500 million in total assets to qualify, with agency approval, for an extended exam cycle if the institution has a "good" composite rating. Accordingly, numerous well capitalized, well managed and well run community banks and savings associations currently are not able to benefit from the increased regulatory flexibility granted by section 605 of FSRRA.

Consistent with prior law, we respectfully request that you consider the attached additional burden relief amendment before ad-

journing. The amendment would authorize the appropriate agency, if it determined the action was consistent with safety and soundness, to permit a well capitalized and well managed institution that has between \$250 million and \$500 million in total assets and a composite rating of "good" to potentially qualify for an 18-month exam cycle. The Federal banking agencies have used this authority effectively to examine institutions with assets under \$250 million and believe that the 18-month examination cycle would also be effective for institutions that have assets of between \$250 million and \$500 million where the institution meets all of the other statutory qualifying criteria and has at least a good composite rating. Notably, the law does not prevent a Federal banking agency from conducting an examination of any institution more frequently if deemed necessary and the same would be true if the attached amendment is adopted.

We thank you in advance for your consideration of this amendment.

Sincerely,

BEN S. BERNANKE,
Chairman, Board of
Governors of the
Federal Reserve System.

JOHN C. DUGAN,
Comptroller of the
Currency.

SHELIA C. BAIR,
Chairman, Federal Deposit Insurance Corporation.

JOHN M. REICH,
Director, Office of
Thrift Supervision.

This legislation is also, Mr. Speaker, supported by the American Bankers Association, the Independent Community Bankers of America and the Conference of State Bank Supervisors.

In closing, let me thank again Subcommittee Chairman BACHUS for bringing this bill to the floor today, as well as Chairman OXLEY and Ranking Member FRANK for their support of H.R. 6345 and their continued commitment to providing commonsense regulatory relief to our financial institutions.

Mr. Speaker, I urge my colleagues to support this important legislation.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I join with the gentleman from Texas in urging the House to pass this bill. It is an example, I think, of how we should be flexible in our approach to regulation. Regulation plays a very important role in a sensible, capitalist economy, but it can only play that role if it is flexible and appropriate, and overregulating does damage in ways different, but still quite tangible, than underregulating.

We are in particular here responding, our committee is, in a bipartisan way to a very important group of officials, the State bank supervisors. In fact, it was the Conference of State Bank Supervisors who most pushed for this because what they have asked us to do is to give the Federal regulators with whom they work the flexibility that most of them have on their own.

As Members know, Mr. Speaker, some banks, depending on how they are chartered, are entirely Federal in their

regulation but some are State-chartered and are regulated by both State and Federal regulators in various ways. This bill will allow better coordination between State and Federal regulators. It will give the regulators the discretion, not the mandate, to be more flexible in the timing of regulations.

It is an example of how we should make regulation appropriate, not unduly burdensome, and therefore, I am glad to join with the gentleman from Texas in urging passage of this bill.

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

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

I want to conclude and say again, I very much thank the ranking member for coming to the floor personally to urge passage of this legislation and to also, on a personal note, congratulate him as he will soon become the chairman of our Financial Institutions Committee.

As a Republican, I did not look forward to Democrat control of this House, but if I have to be stuck with somebody, I cannot think of one I respect more than the gentleman from Massachusetts who brings unparalleled wisdom and wit to the committee. I have no doubt that the great tradition of bipartisanship that Chairman OXLEY established in this committee will be further carried out under his leadership.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, that is very gracious of the gentleman from Texas. I guess I should note that this may be the first of many collaborations between myself as chairman and his role, and I congratulate him as the new chairman of the Republican Study Committee, but he is absolutely right.

The parting chairman, the gentleman from Ohio (Mr. OXLEY), set a very good tone for this committee of bipartisan cooperation. As I have said often, bipartisan cooperation does not mean that legitimate differences between the parties disappear. It means that we pursue those where they exist in a civil manner so that differences there do not poison our ability to work together on areas where there is no partisan difference as this one.

The gentleman from Texas has been a part of that tradition and I look forward to working with him and the other Members in that way, and I appreciate very much his kind remarks.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for his gracious comments as well.

Mr. Speaker, I urge passage of the bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HENSARLING) that the House suspend the rules and pass the bill, H.R. 6345.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 50TH ANNIVERSARY OF THE COMMISSION ON INDEPENDENT COLLEGES AND UNIVERSITIES

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 343) recognizing the 50th anniversary of the Commission on Independent Colleges and Universities.

The Clerk read as follows:

H. CON. RES. 343

Whereas the Commission on Independent Colleges and Universities is a voluntary consortium of more than 100 nonprofit, private institutions of higher education located in New York;

Whereas the Commission on Independent Colleges and Universities was founded in 1956 to develop a consensus among a diverse membership of independent institutions of higher education and to advance higher education public policy;

Whereas the Commission on Independent Colleges and Universities represents 109 member campuses with more than 450,000 enrolled students, including 300,000 residents of New York;

Whereas the Commission on Independent Colleges and Universities produces several informative publications for students, parents, and schools about member colleges and universities, college admissions, and financial aid;

Whereas the Commission on Independent Colleges and Universities is one of the largest organizations of independent sector institutions of higher education in the world; and

Whereas the member institutions of the Commission on Independent Colleges and Universities provide access to high-quality education and opportunity for hundreds of thousands of students: Now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the Commission on Independent Colleges and Universities for 50 years of service and contributions to higher education and higher education public policy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KUHL).

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 343.

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

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 343, a resolution recognizing the 50th anniversary of the Commission on Independent Colleges and Uni-

versities, and I want to thank my friend and colleague from New York (Mr. BOEHLERT) for introducing this resolution and recognizing the important role that the Commission for Independent Colleges and Universities plays in educating New York students about their options for obtaining a postsecondary education.

□ 1245

This institution was founded in 1956 and incorporated in 1972, and the Commission on Independent Colleges and Universities enjoys a diverse membership with a shared goal of shaping and strengthening public policies in higher education. Its membership institutions, which include more than 100 private nonprofit institutions of higher education, enroll close to 460,000 students, including 300,000 New York residents, and award 59 percent of our State's baccalaureate degrees and 81 percent of the doctoral and first professional degrees earned in the State. In my congressional district, there are nine campuses, which include Alfred University, Elmira College, Houghton College, CUCA College, Nazareth College of Rochester, Roberts Wesleyan College, Rochester Institute of Technology, St. Bonaventure College, and Saint John Fisher College.

Independent sector campuses promote diversity in their missions and academic program offerings and in their student bodies. Approximately one in four, or 80,000, full-time and part-time graduates enrolled in New York State independent colleges and universities are considered nontraditional students. At dozens of campuses, more than one quarter of all undergraduates are age 25 or older. Sector-wide, one in four enrolled students, 26 percent, is Asian, African American, and/or Hispanic, nearly double the percentage of minority students who were enrolled in 1980, which was 15 percent.

The importance of independent colleagues and universities to the New York economy is significant. A recent study produced by the Nonpartisan Center for Governmental Research estimates that the total annual contribution to the economy made by independent colleagues and universities rose 42 percent over the past decade to \$41.4 billion in 2005, up from \$29 billion in 1995. This figure includes \$20.8 billion in direct campus spending and \$20.6 billion in spillover spending.

In addition to their importance to the economy, the independent campuses each year provide billions in aid to thousands of lower-income students, working to ensure that every single qualified student can earn a college degree. Access to college education will provide access to better jobs and certainly more opportunities for our young people.

The Commission on Independent Colleges and Universities also participates in a number of outreach and educational efforts. For example, the commission produces publications for students and families that provide helpful

admissions information regarding member institutions and information about financial aid programs that may assist a student in obtaining a college education. Recently, over 500,000 copies of these documents were provided to New York high school guidance counselors and principals, in addition to public libraries and high schools in neighboring States.

Mr. Speaker, over the past 50 years the Commission on Independent Colleges and Universities has provided invaluable information and assistance to New York's families and institutions. It is for that reason and all the others that I have articulated here today that I urge my colleagues to honor the 50th anniversary of this important organization and support House Concurrent Resolution 343.

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

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 343. But before I speak on the resolution, I would just like to say a few words about the author of the resolution, my friend and colleague and fellow New Yorker, Congressman BOEHLERT.

Congressman BOEHLERT, during your time in Congress you have been a fair and open-minded public servant; you have been a model of bipartisanship. You have been a very strong voice for the Science Committee and for the scientific community, and I wish you good luck and congratulations in your future endeavors.

I rise in strong support of House Resolution 343. This bipartisan resolution recognizes the 50th anniversary of the Commission on Independent Colleges and Universities. Founded in 1956, the Commission on Independent Colleges and Universities is a statewide association representing the public policy interests of more than 100 independent colleges and universities in New York State.

The private colleges and universities of New York award 56 percent of the baccalaureate degrees, 71 percent of the master's degrees, and 87 percent of the professional degrees earned in New York State. Over 460,000 students in New York are enrolled in independent higher education, which comprises 38 percent of all students attending colleges in New York State. Collectively, these campuses employ over 158,000 New Yorkers and generate more than \$40 billion annually of economic activity within their communities.

Before coming to Congress, I was lucky enough to work for 29 years at a member institution of CICU, and thus I have had the opportunity to see firsthand its effective and unified approach to ensuring access, quality, and diversity.

As a result of CICU's relentless advocacy, New York's students have seen increases in both the Tuition Assistance Program and the Bundy Aid pro-

gram, both of which are New York-based financial aid programs that fill a vital need in both student aid and in institutional aid.

In Congress, I have found CICU and its president, Abe Lackman, and his staff to be a valuable resource on higher education issues, keeping me abreast of trends and concerns of the New York higher education community.

The students and private colleges of New York are lucky to have CICU advocating on their behalf in both Albany and Washington. I would like to personally congratulate CICU on their 50th anniversary, and I look forward to working with them during the next session of Congress on ways to improve college access and affordability.

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

Mr. KUHL of New York. Mr. Speaker, at this time I would like to yield as much time as he may consume to the distinguished Member and colleague of mine from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I thank my generous colleague for yielding me that time, and I want to thank my colleagues on both sides of the aisle for their kind words. It has been a great privilege to serve in this institution, and one of the things I take special pride in is my friendships across the center divide. So I thank you most sincerely.

I rise today to recognize the 50th anniversary of the Commission of Independent Colleges and Universities. Fifty years ago, half a century, the commission was established in my home State of New York with the goal of strengthening private, not-for-profit higher education institutions, a goal I wholeheartedly support and have worked tirelessly to achieve.

New York has a long and proud tradition of higher education, and the CICU has worked day after day, week after week to improve and strengthen that legacy.

Since 1956, enrollment in the independent sector has doubled from 225,000 to nearly a half a million today, 460,000. The 109 independent colleges and universities that make up the commission are spread throughout New York State and the entire educational system. The consortium is led by several of our Nation's most notable institutions, including Columbia, NYU, Cornell, RPI, Hamilton, and many others, including, and pardon my understandable pride, the best of the lot, my alma mater, Utica College.

Together, these institutions award over half of all undergraduate and three-quarters of all graduate degrees in New York, as well as training almost 90 percent of our professional students. That is quite a record of achievement.

As the lead sponsor of this resolution, I thank my colleagues from New York for joining me in honoring the

Commission on Independent Colleges and Universities. I am confident that CICU will continue to help improve educational opportunities throughout New York State and the Nation for many years to come, and that is one of the most worthy of goals.

Mr. BISHOP of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

MR. KUHL of New York. Likewise, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 343.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TRUMAN SCHOLARSHIP FUND MODERNIZATION ACT

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6206) to revise the calculation of interest on investments of the Harry S. Truman Memorial Scholarship Fund.

The Clerk read as follows:

H. R. 6206

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truman Scholarship Fund Modernization Act".

SEC. 2. REVISION OF INVESTMENT PROCEDURE.

Section 10 of the Harry S Truman Memorial Scholarship Act (20 U.S.C. 2009) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) INVESTMENT OF AMOUNTS APPROPRIATED.—

“(1) At the request of the Board, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the fund. Such investments may be made only in the interest-bearing obligations of the United States issued directly to the fund.

“(2) The purposes for which obligations of the United States may be issued under chapter 31 of title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Board to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary.”; and

(2) by striking subsection (c) and inserting the following:

“(c) SALE OF OBLIGATIONS ACQUIRED BY FUND.—At the request of the Board, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHLM) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KUHLM).

GENERAL LEAVE

Mr. KUHLM of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 6206.

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

There was no objection.

Mr. KUHLM of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6206, a bill to revise the calculation of interest on investments in the Harry S. Truman Memorial Scholarship Fund.

The Harry S. Truman Memorial Scholarship Fund was signed into law by President Ford in 1974, created with the purpose of awarding scholarships to college juniors who, and I quote, “demonstrate outstanding potential for and who plan to pursue a career in public service.”

The foundation provides for at least 53 scholarships, and includes at least one for each State, each year, to deserving young people. The purpose of this measure before us is to align the foundation with other similar scholarship foundations.

Under current law, the Secretary of the Treasury is required to invest the foundation’s trust fund solely, and I repeat, solely, in U.S. Treasury securities unless the Secretary explicitly chooses to invest in other obligations. Because of this restrictive policy, the scholarship funds have not been able to keep pace with the rapid increases in college tuition.

Specifically, H.R. 6206, would shift the authority for making the investment decisions in the Par Value Special Treasury Obligations to the foundation’s board of trustees. The Par Value Special Treasury Obligations have a slightly higher interest rate than the current yield on the 10-year Treasury note. In addition, these special obligations may be bought and sold without penalty, a feature that would provide the foundation with much needed flexibility in its investments.

Both the James Madison Memorial Scholarship Foundation and the John C. Stennis Center for Public Service Training and Development currently have this authority already. This measure simply gives the Harry S. Truman Memorial Scholarship Fund, the

sole memorial to President Truman, the same authority.

Mr. Speaker, as college tuition continues to skyrocket, we must continue every opportunity to create scholarships that have the tools necessary to continue to attract students to serve in the areas of public service. I urge my colleagues to support H.R. 6206.

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

Mr. BISHOP of New York. Mr. Speaker, I, too, rise in support of H.R. 6206, and I yield myself such time as I may consume.

The Harry S. Truman Memorial Scholarship Fund provides an essential service to students in our country. By awarding graduate students scholarships in the fields of public service, they not only help to make higher education more affordable, but encourage students to give back to their country with service. The fund was founded nearly 30 years ago, and continues to serve as a living memorial to President Truman and his service to this country.

The scholarship foundation awards approximately 75 scholarships each year to students pursuing careers in public service. After leaving graduate school, students must serve at least 3 years in public service employment, including teaching, government service, or public interest organizations. In 2004, the foundation awarded 77 scholarships to students from 67 universities and colleges. Additionally, 52 percent of the scholars were women, and 32 percent were of African, Hispanic, Asian, or Native American heritage.

Mr. Speaker, as you know, college affordability is a serious concern for students and families in this country. Tuition at 4-year public colleges has increased by 35 percent in the last 5 years, higher than at any other 5-year period in the last 30 years.

□ 1300

Additionally, recent estimates show that the debt burden from paying for college has priced students out of public service careers. These estimates show that 23 percent of 4-year college students graduate with too much debt to manageably repay with a starting teacher’s salary.

Meanwhile, public investment in higher education is waning and we are expecting students to bear more of the burden of paying for college. Students are now taking out more loans than grants to finance college. This is especially true for graduate students; only 28 percent of graduate school financing is grant aid.

Scholarship funds such as the Truman Memorial fund help to limit the reliance on loans and the growing debt burden of students. Since its inception in 1977, the Truman Memorial fund has given scholarships to 2,480 students of public service from States and schools across the Nation.

Some notable graduates include Arizona Governor Janet Napolitano, David

Atkins, vice chancellor of the University of Kansas Medical Center, and Margot Rogers, senior executive with the Gates Foundation working on elementary and secondary education issues.

Mr. Speaker, this legislation will help the Truman Foundation continue to serve students and our country by allowing them additional financial flexibility and autonomy, which will allow the foundation to continue to award substantial scholarships to students and will continue the living memory of President Truman.

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

Mr. KUHLM of New York. I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 6206, the Truman Scholarship Fund Modernization Act. It closes an important loophole in our existing law.

First, I want to thank all of us who helped us get this bill to the floor today: Chairman MCKEON and the Education and the Workforce Committee, Representatives BOEHNER and BLUNT, and all of their staffs.

This bill would simply allow the board of trustees of the Harry S. Truman Scholarship Foundation, instead of the Secretary of the Treasury, to choose the type of interest that would be received as a yield on the bonds issued by the Truman fund.

Other established and highly creditable programs have already had this minor change in their discretion; for example, the James Madison Memorial Fellowship Foundation and the John C. Stennis Center for Public Service Training and Development.

This foundation, the Harry S. Truman Foundation, is a living memorial to our 33rd President. And it has also become an emblematic program of promoting young people to encourage them to be educated for citizenship and political responsibility and to assume the mantle of leadership in our political process.

Every year hundreds of college juniors compete for what amounts to approximately 80 awards. The rigorous selection process requires the candidates have a strong record of public service as well as a policy proposal that addresses a particular issue facing society. These individuals are among our Nation’s best and brightest, and many of them have gone on to provide real leadership within our government and within our institutions.

I am a strong supporter of this program, a program that assists in education as a lifelong learning process.

Scholars who participate in this program are invited to participate in a number of programs, including the Truman Scholar Leadership Week, The Summer Institute, The Truman Fellows Program, and the Public Service Law Conference.

This program has been an extraordinary success, and this bill provides it

greater flexibility in generating the one source of revenue it has. We think that this program is very important. We think that this change is essential. We think that this is an important commitment for this Congress to make to cultivate the leadership of the future in public service.

I salute the gentleman for leading this effort to pass this bill on the floor. I am privileged to have introduced it with the idea that this one small change can do a great deal to promote greater leadership not only in this institution but throughout our political process and throughout our governmental and nongovernmental institutions.

I urge my colleagues to join me in supporting this legislation.

Mr. BISHOP of New York. Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I am one of the two Congressmen who serves on the board of this Truman Scholarship fund. As has been explained here today, it is a very good use of money to help students obtain these different scholarships, to prepare them for work in public service.

The problem is that the principal cannot be invested in a very flexible kind of way. That is why this is a modernization act, to allow us to use those funds. I think it is completely non-controversial. I serve with a Member of the other party on that board. Everybody, as far as I know, is in agreement that this modernization needs to take place. It is going to result in more money for scholarships, and people will be better prepared for public service. It seems like everybody wins, and so I am a strong supporter. I urge my colleagues to support H.R. 6206.

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

Mr. KUHL of New York. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 6206.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REQUIRING SECRETARY OF DEFENSE TO SUBMIT ANNUAL REPORT ON CONGRESSIONAL INITIATIVES

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6375) to amend title 10, United States Code, to require the Secretary of Defense to submit to Congress an annual report and to provide notice to

the public on congressional initiatives in funds authorized or made available to the Department of Defense.

The Clerk read as follows:

H.R. 6375

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

SECTION 1. ANNUAL REPORT TO CONGRESS AND NOTICE TO PUBLIC ON CONGRESSIONAL INITIATIVES IN FUNDS AUTHORIZED OR MADE AVAILABLE TO DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—

(1) IDENTIFICATION OF CONGRESSIONAL INITIATIVES.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 490. Congressional initiatives in funds authorized or made available to Department of Defense: annual report to Congress; notice to public

“(a) ANNUAL REPORT AND PUBLIC NOTICE REQUIRED.—Not later than 90 days after the close of each fiscal year, the Secretary of Defense shall submit to Congress a report on congressional initiatives applicable to funds authorized or made available for the Department of Defense for that fiscal year. Upon being submitted to Congress, each such report shall be posted on a publicly available Internet website of the Department of Defense.

“(b) CONTENT.— Each report under subsection (a) shall include, for each congressional initiative applicable to funds that were authorized or made available to the Department of Defense for the fiscal year covered by the report, the following:

“(1) A description of each such congressional initiative, including—

“(A) the geographic location (by city, State, country, and congressional district, if relevant) in which the funds covered by such congressional initiative are to be used;

“(B) the purpose of such congressional initiative (if known); and

“(C) the recipient of the funding covered by such congressional initiative.

“(2) For each such congressional initiative, an assessment of the utility of the congressional initiative in meeting the goals of the Department, set forth using a rating system as follows:

“(A) A rating of ‘A’ for a congressional initiative that directly advances the primary goals of the Department or an agency, element, or component of the Department.

“(B) A rating of ‘B’ for a congressional initiative that advances many of the primary goals of the Department or an agency, element, or component of the Department.

“(C) A rating of ‘C’ for a congressional initiative that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

“(D) A rating of ‘D’ for a congressional initiative that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

“(E) A rating of ‘F’ for a congressional initiative that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

“(c) CONGRESSIONAL INITIATIVE DEFINED.— In this section, the term ‘congressional initiative’ means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies—

“(1) the identity of an entity or project, including a defense system, for which funds are authorized or made available in that law (or conference report or bill) and that was not

requested by the President in a budget submission to Congress; and

“(2) the amounts of the funds so authorized or made available.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“490. Congressional initiatives in funds authorized or made available to Department of Defense: annual report to Congress; notice to public.”.

(b) EFFECTIVE DATE.—Section 490 of title 10, United States Code, as added by subsection (a), shall apply with respect to funds made available to the Department of Defense for each fiscal year after fiscal year 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

Mr. HUNTER. Mr. Speaker, I would also ask that after I make my opening remarks, I be allowed to yield the balance of my time to the gentleman from Indiana (Mr. SOUDER), the sponsor of this bill, and I ask unanimous consent that he be allowed to control the time for purposes of debate.

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

There was no objection.

Mr. HUNTER. Mr. Speaker, this legislation is legislation a number of Members have asked to bring to the floor in both bodies to illuminate to the world what they call congressional initiatives.

Mr. Speaker, as the chairman of the Armed Services Committee, let me give you my take as one Member of this very important body on congressional initiatives that are sometimes pejoratively called earmarks.

The Constitution of the United States charges the United States Congress, not the President, not the Pentagon, not a general, not some under secretary, charges us with raising and equipping the forces of the United States of America, the Armed Forces, the armies and the navies that the Constitution refers to; and, of course, by implication the United States Marine Corps and the United States Air Force.

It is our job to build this budget, not just to work around the fringes of the defense budget, it is our job to build this budget from the ground up. From my perspective the recommendation that comes over from the President is just that: It is a recommendation. It is not charged by the Constitution. It is

not mandated by the Constitution. It is our job to build the defense budget of the United States.

Let me just say, Mr. Speaker, we do that. I think we do that very effectively. I think this great bill, this \$532 billion defense bill, is a reflection of that. It was put together by my committee, the Armed Services Committee, Democrats and Republicans, and by the gentleman from Florida's Appropriations Subcommittee on Defense who do such a good job.

Let me give you one example of what we did, one thing that might pejoratively be called earmarks by people who think that somehow what the administration sends over is sacrosanct and what we add is somehow an illegitimate addition.

We had the Army and United States Marine Corps come to us this past spring after we were putting our budget together after the President's recommendation had come over, and they said we are not going to have enough money to reset the United States Army and Marine Corps, largely because of that tough, harsh theater in Iraq and Afghanistan, and that means repairing the tanks, trucks, aircraft and all of the other equipment that you need for warfighting. We need wherewithal, the additional money to fix that fire engine so it can go back in the firehouse and be ready for the next emergency, whether it is the 9/11 force of this country, the Marine Corps, special operations, United States Army, United States Navy, United States Air Force.

Mr. YOUNG and I in our committees listened to the United States Army and to the Marine Corps. We said, come in and you lay out for us everything that you need to get our forces ready to fight again so they are reset. That "reset" is a term of art.

They gave us a bill, \$27.7 billion for the Army, \$11.7 for the Marine Corps. We looked at the President's budget which only funded a part of that; we looked at the supplemental which only funded a part of that, and we looked at the balance. We took that balance and we added every single dime that was identified by our warfighting leaders as something that they needed in combat, and we added that to the President's budget. I guess you could call that a \$20 billion earmark. That was a congressional initiative that exactly described the duty that is charged to us by the United States Constitution and how we discharge that duty.

Let me give a few other congressional initiatives. One reason why I support this bill, incidentally, and it is fine with me is because I put my initiatives on the Internet and if people want to look at them and see what we add, that is great.

Let me tell you some of the initiatives that I added and I asked Mr. YOUNG to add in his bill: jammers, jammers that would protect our Armed Forces, when they are dismounted, against roadside bombs that are electronically triggered from remote areas

that were not in the administration's budget, we added those. So jammers that protect the lives of our soldiers, sailors, airmen and marines, we added, congressional initiatives.

Body armor, extra body armor, more Humvees that have the thick armor that can repel the fragments from these IEDs, these roadside bombs. We put in things that are important for the warfighters of this country.

Mr. Speaker, I would say that I am here to reaffirm our constitutional right, not to do just bits and pieces of the defense budget, but to do the entire budget; and what the administration recommends is the edges. If they didn't come over with a recommended budget, we could build and we are totally equipped to build this budget from the ground up. We have the expertise to do it, Democrat and Republican, and we could do it from the ground up.

Having said that, I support this bill which says that the Department of Defense is free to comment on their ratings on what congressional initiatives have requested and placed into the bill; and from my personal perspective, that is fine with me. I put mine on the Internet for the world to see.

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

□ 1315

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

I rise in opposition to H.R. 6375. This is not the way to accomplish earmark reform because, quite frankly, it gives all the authority to the executive branch. The gentleman from California, Chairman DUNCAN HUNTER, is right when he says that we are charged under the Constitution to raise and maintain the military. And that is the very reason that I oppose this particular bill. It contravenes congressional responsibility and authority. This bill also fails to achieve meaningful reform. The Democratic Open Government and Honest Leadership bill will offer a better approach, which will be taken up, Mr. Speaker, at the beginning of the 110th Congress.

This sets a huge administrative burden on the Department of Defense to identify thousands of contractors and multiple thousands of geographic locations, and list every congressional district. It gives the executive branch, I repeat it again, the executive branch, the right to grade the performance of Congress. That is not a good thing.

Let me mention another matter which I have urged and the gentleman from California (Mr. HUNTER), Chairman HUNTER, has urged in the past. And that is the bill that should have been on the calendar regarding the Iraqi Inspector General. That is a bill that would eliminate the termination date of October 7. That termination date, unfortunately, got put in the defense bill, and there has been a great deal of media attention to it, and quite honestly, we should not have a termination date because that is an ongoing

process. And I feel very strongly that that bill should be on the calendar. I want to say very clearly, Chairman HUNTER agrees with me that that bill is a good bill and should be on the calendar. And it is not up to us. It is not our choice to say it should not be, but somewhere along the line, Mr. Speaker, it was sidetracked despite the fact that the chairman and I both pushed it very, very heartily.

Getting back to H.R. 6375, I hope that we will take a good look at it. This bill defines an earmark as any change to the President's budget creating the perception that all congressional initiatives are "pork" and that Congress has no right to review administration spending requests. It is not a good bill. Consequently I do oppose H.R. 6375.

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

Mr. SOUDER. Mr. Speaker, before making my opening statement, I now yield such time as he may consume to the distinguished Defense Subcommittee on Appropriations chairman, Mr. YOUNG, out of deference to his leadership and longtime activity in this field.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman's yielding, and I understand his interest in this bill, but I am opposed to this bill. I am opposed to this bill.

If it were simply a bill requiring that the congressional initiatives be identified, I have no problem with that. As a matter of fact, the Defense Subcommittee identifies all congressional earmarks, if you would like to use that term, in the report that we publish along with the bill itself.

But here is what offends me about this bill. This bill would say to the Department of Defense, you have to look at all the initiatives by the Congress and then issue a report card and the report card would say it gets an A, it gets a B, a C, a D, an E or an F. I don't want the Pentagon having to spend all that time grading the work that we in the Congress do.

I have cited the Constitution many times, and I am going to do it again today. Article I, Section 9, Chairman HUNTER referred to it generally. It says: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." Not made by budget requests from the White House but made by law. There is another part of that sentence that people tend to ignore. It says: "and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." And we do that and the administration does it . . . sometimes. Read this Constitution from cover to cover. You will not find anything in this Constitution that says Congress can only appropriate money that has been requested by the President. Nothing in here says that. Article I, Section 9, however, says the President cannot spend any money that has not been appropriated by law.

This is not a good bill. It flies in the face of the Constitution, and it adds burdens to the Defense Department to grade us on a report card for the work that we do.

One final point. Chairman HUNTER mentioned the \$20 billion that we added for reset. That was part of a \$70 billion so-called bridge fund for the war in Iraq. This Congress, this House of Representatives, your Appropriations Committee asked and asked and asked over and over again from the Department of Defense, "What do you want in this \$70 billion?" To this day we are waiting for a formal answer. So Congress had to take the initiative and determine by dealing with the services themselves what was needed in that \$70 billion bridge fund, and we did it and we did a good job at it.

This bill is not a good bill. I hope you will vote "no."

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

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

Mr. Speaker, I would like to thank our Republican leadership for bringing this important bill to the floor today. At a time when our Nation is fighting wars in Iraq and Afghanistan as well as waging a global war on terror, we must ensure that every defense dollar we allocate is well spent on programs, equipment, and other initiatives that support our troops in winning the battle and advancing the mission of our armed services. We cannot afford to be wasteful in spending. Our freedom and the lives of our men and women in uniform are on the line if we waste or misappropriate funding.

The bill before us today, the Defense Spending Report Card Act, has already passed the Senate two times as amendments to the 2007 Department of Defense appropriations and authorization bills. The first amendment passed on voice vote, and the second amendment received overwhelming bipartisan support with only one Senator voting against it, 96-1, and unanimous in the Senate. Unfortunately, the amendments were stripped out in conference. But today we have an opportunity in the House to pass similar legislation in a bipartisan way that will send a message to both our constituents and our troops overseas that we are serious about fully funding our military needs and bringing some accountability and transparency to the appropriations process.

H.R. 6375 is quite simple. It requires the Department of Defense to annually report, number one, the total cost of spending initiatives in defense appropriations bills; two, the purpose of these initiatives; and, three, an analysis of the usefulness of each initiative to advancing the goals of the Department of Defense. While there are no requirements directing what Congress must do with this report card, it will provide Members of Congress with a helpful tool by which to determine the value and cost effectiveness of each de-

fense spending initiative. This transparency will also encourage greater accountability in the funding process, which voters in both parties will truly appreciate.

In recent months we have seen the potential to abuse power that can result from a closed-door favoritism approach to government spending. Most people will agree that a little sunshine on the Federal appropriations process, as well as the authorizing process, and, by the way, this bill covers any House initiative that requires the Department of Defense to spend money, is always a good thing; and this bill takes an important step towards that goal. We should not be afraid of transparency but, rather, support it for the benefit of our troops and the integrity of the Congress.

Again, let me thank our leadership and Chairman HUNTER for bringing this bill to the floor.

I would like to address a few other questions that have been raised by many of our distinguished leaders here. My position is actually closer to Chairman HUNTER's position, which is I support this bill as does Chairman HUNTER, but I do not oppose what would be called earmarks or congressional narratives. I, in fact, have many defense contractors in my district. I annually make requests to the Appropriations Committee. I work with the defense authorizations committee. In fact, almost every major defense contractor has a facility in my district. I have argued with the Department of Defense about what they have as their priorities. I absolutely believe Congress has the right to initiate whatever spending we so chose. We have the right to override the Department of Defense. We have a right to plus-up the Department of Defense. And, by the way, anything that is in the President's budget that comes to us we can plus-up and it isn't covered by the report card. But I believe in transparency. I release every request I make. I defend publicly every request I make.

This bill is very simple. It is about transparency. It isn't about whether or not we are going to do congressional initiatives. Of course we are. If Chairman HUNTER and our ranking member and soon-to-be leader of Armed Services, Mr. SKELTON, hadn't fought the Defense Department on certain things, sometimes the Defense Department does not support the troops in the field. In the Appropriations Committee sometimes they appropriate things that aren't needed, but there is nothing to fear then. If you can defend it, that the generals in the field and that the military experts believe it is a better bill, why would you be afraid of transparency?

Now, to the argument of report cards, we do report cards. We do report cards and it doesn't take millions and millions of dollars and hours and hours to do report cards. And we have done report cards on multiple things over in

the Government Reform Committee. We have done it in other agencies. It is a way that we can force a public measurement and a public debate about how contracts are given. Should they be given just on the basis of what is in your district or should they have a national merit? Can you defend it on a national merit? When we debate which kind of planes to move to, whether we go to more this kind of carrier or that kind of carrier, how many ships we buy, should it be driven by who has a shipbuilding district and whether one place is going to close down versus another, that should be a public debate. And if the administration and the House disagree, let us force that debate and have that transparency. Because at the end of the day, this bill is very, very simple: Do you believe in more transparency or don't you?

I appreciated my distinguished friend Mr. SKELTON's point on the Inspector General in Iraq. Yes, we need more Inspectors General in general. That is just part of the problem. We have lost the confidence, both parties, of the American people about the process. Those of us who are arguing for what is best for our troops, what is best to protect our country have nothing to fear, absolutely nothing to fear from transparency.

Mr. GARRETT of New Jersey. Mr. Speaker, I am pleased to speak today in favor of Mr. SOUDER's commonsense legislation. As defense spending takes up a great percentage of Federal spending each year and is perhaps the most complex spending issue we confront in Congress, it is past time for us to have a clear tool to determine the effectiveness of the billions of dollars we spend each year.

One of the difficulties in accounting for Defense spending is just trying to figure out the total amount of funds spent. Representative SOUDER's legislation will require the Department of Defense to provide to us a clear number of how much is spent each year.

Earlier this year, in my position as a member of the Budget Committee, I wrote Secretary Rumsfeld decrying the poor condition of financial management at the Department. When this administration took office, DOD announced it was adding \$100 million to the budget as a down payment on improved financial management; and yet, Deputy Secretary of Defense England testified before the committee that the department was unable to complete a proper financial statement. Additionally, the GAO has reported that the Department has failed on being able to track the spending we have provided in supplemental appropriations despite the Chief Financial Officers Act of 1990, mandating that departments must be able to perform this kind of recordkeeping.

As Congress will likely consider another supplemental package of possibly more than \$100 billion early next year, it is critical that we, as legislators, have the tools to determine whether this money is being well-spent. Funds allocated to the Department of Defense are directly responsible for the safety of our soldiers who are risking their lives defending our freedom. We have a duty to ensure that this spending is free of waste, fraud, and abuse.

I congratulate the gentleman on a well-constructed and critical bill and urge its immediate passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 6375.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

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

The yeas and nays were ordered.

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

NAMING OF ARMED FORCES READINESS CENTER IN HONOR OF CAPTAIN WILLIAM WYLIE GALT

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3759) to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

The Clerk read as follows:

S. 3759

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

SECTION 1. NAMING OF ARMED FORCES READINESS CENTER IN GREAT FALLS, MONTANA, IN HONOR OF CAPTAIN WILLIAM WYLIE GALT, A RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR.

The Armed Forces Readiness Center in Great Falls, Montana, shall be known and designated as the "Captain William Wylie Galt Great Falls Armed Forces Readiness Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Captain William Wylie Galt Great Falls Armed Forces Readiness Center.

□ 1330

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

Mr. HUNTER. I would also at this time like to yield the balance of my time, after I finish my opening remarks, to the gentleman from Montana (Mr. REHBERG), who was the sponsor of this bill, and I ask unanimous consent that he be allowed to control the time for purposes of debate.

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

There was no objection.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HUNTER. Thank you, Mr. Speaker.

Mr. Speaker, this is one of these bills that it is good to go out on as we close down this session of Congress. This is an excellent initiative by my good friend from Montana to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, who was a recipient of the Congressional Medal of Honor.

Mr. Speaker, we just had a hearing under the leadership of JOHN MCHUGH, who is the outgoing chairman of the Personnel Subcommittee in Armed Services on the Medal of Honor and on the criteria for the award. And we had some initiatives, some good discussions with our service representatives on ensuring that we have the appropriate guidelines for giving this great medal. And it was an uplifting hearing, because it is a hearing in which the acts of Americans who went far beyond the call of duty were reviewed and were discussed.

Mr. Speaker, I think anytime somebody passes this, walks by the Armed Forces Readiness Center in Great Falls, Montana, and they see that it is named after Captain Galt, they are going to be reminded, perhaps inspired, of his heroism.

The Congressional Medal of Honor is a symbol of adherence to duty, honor and country; and I think it is absolutely appropriate that we name, with this dwindling pool of Medal of Honor recipients, and the gentleman, as a veteran of the United States Army knows, we now have a very small pool of living Medal of Honor winners. So I think that wherever it is possible to name our buildings and our institutions and installations after Medal of Honor recipients, it is a point of inspiration for young people that will be enduring.

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

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

I fully support Senate bill 3759. It establishes an Armed Forces Readiness Center in Great Falls, Montana, as a memorial to Captain William Wylie Galt. And reading his resume, reading his citation, receiving the Medal of Honor, it is one of courage and selfless sacrifice. There is no question in my mind this is a very good gesture, as it should be more often, to those who exhibited the highest type of valor for our country.

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

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

I thank the gentleman for his kind words. And there are times in this responsibility of being a Congressman that sometimes you forget why you are

here. It gives me tingles up the middle of my spine to think about the Galt family and how much they have contributed to the State of Montana and to this Nation over the years.

This legislation would name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor, as was said.

The Armed Forces Readiness Center will house the Army National Guard and the Army Reserve units who have spent recent tours in Operation Iraqi Freedom.

William Galt was born on December 19 of 1919 in Geysler, Montana. He was commissioned as a 2nd lieutenant, Infantry, through the Army ROTC program upon graduation from Montana State University in the spring of 1942.

I sometimes give Mr. HUNTER a hard time because he did in fact attend the University of Montana for 1 year. And I can tell you, Missoula has not been the same since he left.

Captain Galt was in Italy during World War II. For conspicuous gallantry above and beyond the call of duty, Captain Galt, at a particularly critical period following two unsuccessful attacks by his battalion, of his own volition went forward and ascertained just how critical the situation was. He volunteered, at the risk of his life, personally, to lead the battalion against the objective.

When the lone remaining tank destroyer refused to go forward, Captain Galt jumped on the tank destroyer and ordered it to attack. As the tank destroyer moved forward, followed by a company of riflemen, Captain Galt manned the .30 caliber machine gun in the turret of the tank destroyer, located and directed fire on an enemy anti-tank gun, and destroyed it.

Nearing the enemy positions, Captain Galt stood fully exposed in the turret, ceaselessly firing his machine gun and tossing hand grenades into the enemy's zigzag series of trenches despite the hail of sniper and machine gun bullets ricocheting off the tank destroyer.

As the tank destroyer moved, Captain Galt so maneuvered it that 40 of the enemy were trapped in one of the trenches. When they refused to surrender, Captain Galt pressed the trigger of the machine gun and dispatched every one of them.

A few minutes later, an 88-millimeter shell struck the tank destroyer and Captain Galt fell mortally wounded across his machine gun. He had personally killed 40 Germans and wounded many more.

Captain Galt pitted his judgment and superb courage against overwhelming odds, exemplifying the highest measure of devotion to his country and the finest traditions of the U.S. Army.

His courage and unrivaled determination to win for his country led to a win for America that day, but at the cost of his own life. William Galt is a true example of not only a Montana hero, but

an American hero. We are proud to honor him and the great sacrifice he gave to this country.

The U.S. Army Reserve Center on Gore Hill was dedicated to Captain Galt in 1958. Unfortunately, in 2005, the Base Realignment Closure Commission, BRAC, decided to permanently close Galt Hall U.S. Army Reserve Center on Gore Hill in Great Falls, Montana and relocate units to a new Armed Forces Readiness Center near Malmstrom Air Force Base across town.

I believe it is a fitting tribute to name the U.S. Armed Forces Readiness Center in Great Falls, Montana, the Captain William Wylie Galt Great Falls Armed Forces Readiness Center. It gives me a great deal of pleasure to have this legislation passed.

Mr. SKELTON, Mr. HUNTER, thank you for your patience, thank you for your cooperation. Thanks for all that you did.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the Senate bill, S. 3759.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES THAT THERE SHOULD BE ESTABLISHED AN IRISH-AMERICAN HERITAGE MONTH

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 733) expressing the sense of the House of Representatives that there should be established an Irish-American Heritage Month.

The Clerk read as follows:

H. RES. 733

Whereas, by 1776, nearly 300,000 people had emigrated from Ireland to the United States;

Whereas, following the victory of General George Washington's troops at Yorktown, Lord Mountjoy reported to the British Parliament the surrender of General Charles Cornwallis, proclaiming, "We have lost America through the exertions of the Irish";

Whereas Irish-born Commodore John Barry was the first flag officer of the United States Navy and is endeared by many as the "Father of the American Navy";

Whereas at least 8 signers of the Declaration of Independence were of Irish ancestry;

Whereas 19 Presidents of the United States proudly claim Irish heritage, including the first President, George Washington;

Whereas Irish-born James Hoban designed the White House, and he was integral in its restoration after it was severely damaged by fire in 1814;

Whereas, in 1892, Annie Moore, from County Cork, Ireland, was the first immigrant admitted through Ellis Island, contributing to America's diverse culture by offering the rich customs and culture of her native land;

Whereas at least 263 recipients of the Congressional Medal of Honor proudly claim Ireland as their birthplace, making Irish-born individuals the largest group of foreign-born recipients of the prestigious honor;

Whereas Irish-American social reformer Elizabeth Cady Stanton successfully championed women's voting rights, which were granted in 1920 by the 19th amendment to the Constitution;

Whereas pioneers of the American space program were of Irish descent, including Kathryn Sullivan, the first woman to walk in space, and Christa Corrigan McAuliffe, America's first school teacher to bravely engage in space exploration, who ultimately gave her life to the empiricism of knowledge about the surrounding universe;

Whereas more than 44 million American citizens are of Irish descent;

Whereas each year, on March 17th, the United States and its citizens humbly observe St. Patrick's Day in honor of the patron saint of Ireland; and

Whereas the Irish and their descendants have toiled throughout the existence of the United States, contributing significantly to the enrichment of all aspects of life in this Nation, including military and public service, science, education, agriculture, industry, dance, music, theatre, film, literature, visual composition, business, technology, athletics, and leadership: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) an Irish-American Heritage Month should be established; and

(2) the people of the United States should observe such a month with appropriate ceremonies, celebrations, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

From the very beginning, the United States has been changed for the better by its citizens of Irish descent. Nineteen Presidents, including George Washington, and at least eight signers of the Declaration of Independence were of Irish ancestry; 263 recipients of the Congressional Medal of Honor were born in Ireland, as was John Barry, the first flag officer of the United States Navy. And the list of contributions of Irish Americans goes on: Elizabeth Cady Stanton's successful fight for women's voting rights, James Hoban's architectural design for the White House, and Annie Moore's brave passage through Ellis Island as America's first immigrant.

What began as 300,000 Irish immigrants in 1776 has grown to 44 million Irish Americans today. In recognition

of the countless ways in which these Irish Americans have advanced our Nation politically, economically and culturally, I rise today in support of H. Res. 733.

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

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

Mr. Speaker, March is a significant month for Irish Americans. March 17 honors Saint Patrick, the patron saint of Ireland. Saint Patrick is commemorated for introducing Christianity to Ireland in the fifth century.

March also commemorates Irish American Heritage Month, which was first proclaimed by the United States Congress in 1995.

Irish immigrants contributed a great deal to the creation of this great Nation, both during the struggle for independence and in the founding of the Republic. Nine of the people who signed our Declaration of Independence and 19 Presidents of the United States claim Irish heritage, including our first President, George Washington.

The largest wave of Irish immigrants came in the late 1840s when the great potato famine ravaged Ireland, caused 2 million people to emigrate to America. These immigrants transformed our cities and rural communities into centers of commerce and cultural diversity. Though they faced terrible discrimination and prejudice, they persevered and took jobs as laborers and built railroads to build a better life for themselves and their families.

Irish Americans have contributed significantly to the enrichment of all aspects of life in this Nation, including military and public service, science, education, dance, literature and much more. And especially, Mr. Speaker, Irish Americans are very actively and consistently involved in public activity, public service activity, public decision-making, running for office, being members of local and State governments and of our national government. I am pleased to support this resolution.

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

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

I hope this can move through unanimously. It is an important bill in the sense of paying tribute to the diversity of America and particularly to the Irish Americans.

As a graduate of Notre Dame, a German Swiss graduate of Notre Dame, although many of my colleagues here are of Irish descent who are Notre Dame grads, it is a particular pleasure for me, as a graduate of Notre Dame, the Fighting Irish of Notre Dame, to move that we unanimously adopt this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, H. Res. 733.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1348

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1414

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 2 o'clock and 14 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the Chair will recognize the gentleman from Arkansas (Mr. ROSS) and the gentleman from Illinois (Mr. KIRK) each for 45 minutes without prejudice to the resumption of legislative business.

There was no objection.

BLUE DOG COALITION

The SPEAKER pro tempore. Pursuant to the previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 45 minutes.

Mr. ROSS. Mr. Speaker, I rise this afternoon on behalf of the 37-member strong, fiscally conservative, Democratic Blue Dog Coalition, a group of conservative Democrats that are united with a common cause, and that is, restoring common sense and fiscal discipline to our Nation's government.

As we spend the next 45 minutes or so, Mr. Speaker, talking about the fiscally conservative Democratic Blue Dog Coalition's 12-point plan for meaningful budget reform, and as we talk about our plan for accountability within our government, I would remind you, Mr. Speaker, that you can e-mail us your comments or concerns at bluedog@mail.house.gov. Again, Mr. Speaker, if you have any comments, questions or concerns of us, you can e-mail us at bluedog@mail.house.gov.

Mr. Speaker, the Federal debt is the largest this Nation has ever seen, some \$8.6 trillion. This Nation has had one of the largest deficits year after year after year since 2001. I believe the American people are ready for us to put an end to the partisan bickering and clean up the mess in Washington to restore common sense and fiscal discipline to our Nation's government.

The projected deficit for fiscal year 2007 is \$350 billion, at least that is what they tell us, but not true. The real deficit for fiscal year 2007 is \$545 billion. You see, when the people in this House, when the Republican leadership tells us that the deficit that is projected for fiscal year 2007 is \$350 billion, that is counting the money they are borrowing from the Social Security trust fund, with absolutely no provision on how or when or where the money is going to come from to pay that debt back.

I am starting to understand now why, when I first got to Congress in 2001 and I wrote that bill to tell the politicians in Washington to keep their hands off the Social Security trust fund, I am beginning now to understand why the Republican leadership refused to give us a hearing or a vote on that legislation.

Last year, the deficit was about \$300 billion. In fact, Mr. Speaker, if you look with me here, you can see in 2004, we had the largest deficit ever in our Nation's history, \$413 billion; the second largest deficit ever in our Nation's history in 2003, \$378 billion. In 2005, it was \$318 billion, and for 2006, there was much to do made out of the fact that they only had a deficit of \$296 billion. Only \$296 billion? Mr. Speaker, that is an enormous debt. That is a lot of hot checks that have been written by our Nation.

Let me put it in perspective. Those are the four largest deficits ever in our Nation's history, the fiscal year 2007 deficit projected at \$350 billion, but let me put it in perspective. The total national debt from 1789 until 2000 was \$5.67 trillion, but by 2010 the total national debt will have increased to \$10.88 trillion. This is a doubling of the 211-year debt in just 10 years. Interest payments on this debt are one of the fastest growing parts of the Federal budget.

It is called the debt tax, D-E-B-T, and that is one tax that cannot be repealed, that cannot be cut until we get our Nation's fiscal house in order and return to the days, like we saw under President Clinton from 1998 through 2001, where for the first time in 40 years Democratic or Republican, the Clinton administration gave us the first balanced budget, gave us a surplus that in the past 5½ years has been squandered by this administration and this Republican-led Congress.

Our Nation is borrowing \$1 billion a day. We are sending \$8 billion a month to Iraq, \$57 million a day to Afghanistan. We are borrowing \$1 billion a day, and before we borrow \$1 billion today and before the current debt grows by another \$1 billion today, our Nation is paying \$500 million on the debt we have already got in interest payments alone.

America's priorities will continue to go unmet until we get our Nation's fiscal house in order. Let me just make this point of what I mean by that.

The red bar is the amount of money our Nation is spending on interest not meeting America's priorities, not in-

vesting in education, homeland security, veterans or our soldiers, simply paying interest on the national debt. That is the red bar. You can see in contrast how much we are spending of your tax money on education and on homeland security and on veterans. The majority of the money is going to help pay interest, not principal, not investing in education, homeland security, veterans or soldiers, but paying interest on the debt we already got. So America's priorities will continue to go unmet until we get our Nation's fiscal house in order.

To help me explain this, and I will be coming back to talk more about the Blue Dog Coalition's 12-point plan for a meaningful budget reform, I will be talking about our package of accountability bills; but to help set the stage, Mr. Speaker, and to put this in perspective, I yield to my colleague and fellow Blue Dog member from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, thank you very much. It is always a pleasure to join you as we talk about the important issue of getting our fiscal house in order.

Coming out of this recent election, the American people spoke and they spoke boldly, and the one thing they said was they want a new direction. A part of that new direction is to be fiscally responsible and to make sure we are spending the taxpayers' money wisely.

I want to talk about several aspects of this today, one of which I want to start off by talking about the aspect of our foreign borrowing. That is one of the most dangerous areas in which we are moving.

As you well know, we now are borrowing more money from foreign governments and foreign banks, foreign financial institutions. In the last 5 years, we borrowed more money from foreign interests than we borrowed in the whole history of this country up to 2001.

I want to make that clear because I know the American people are sitting there and saying, is he saying what I think he is saying, that since 1789, at the birth of this country, through all the way up to 2001, we have borrowed less money from foreign governments than we have borrowed in the past 5 years? That is a dangerous situation for us to be in. It is dangerous to the future of our country, and we must move to correct that.

When we look at Japan, we are borrowing nearly \$700 billion from Japan. We are borrowing \$368 billion from China, and we are borrowing \$117 billion from Taiwan. We are borrowing over \$200 billion from the OPEC nations. When you look at the Asian Basin and you look at the Middle East, you also find another occurrence that is troubling, and it presents some of the most unstable regimes and countries in our world today. It is a terrible situation for us to be in.

At home, we must act more responsibly by making sure that we are

spending our money and putting our priorities where they count the most. The American people are looking for help in terms of getting more of this money into their pockets, being able to help them with critical issues of education.

So, for a little bit today, I want to talk about what we are doing as Democrats, and I thank God because this is the first time that I am standing and you are standing in this floor on the House of Representatives with this debate when we can say to the American people as Democrats, thank you, thank you for giving Democrats an opportunity to lead this Congress. We are grateful and we are humbled because we understand the levity and the seriousness of this responsibility that the American people have given us to lead. Nowhere is that more crucial than in taking care of their money and taking care of our fiscal responsibility and being responsible for it.

So I think it is very important that as we talk this afternoon about this responsibility to let the American people know where we are going to work quickly to make sure we are paying attention to their needs, and one of the first places that we are going to start is to raise the minimum wage.

Why is that important, people say, the minimum wage? It is more than just a symbolic gesture. It is a timely gesture. We have had the minimum wage since 1938. There has never been as long a period where we have not adjusted the minimum wage as in the period since the last raising of the minimum wage. So it is important for us to show the American people, at least they will see, they are paying attention to us. Yes, we will pay attention to the world; yes, we are very much concerned about what is happening in the world; but we must immediately send a message to the American people that we care about you. We care about America first. That is why the importance of raising this minimum wage is so important. It sends that message. The American people say, oh, okay, I think they get it.

Mr. ROSS. Mr. Speaker, I believe an important message was sent on election night, and that message was that the American people are ready for us to put an end to the partisan bickering, to work together to clean up the mess and to put people's interests above special interests.

That is why I am real proud that in the first 100 hours under Speaker-elect Pelosi, she has announced that in the first 100 hours we will reinstitute PAYGO rules on the floor of the United States House of Representatives. PAYGO means pay-as-you-go, and it is one of the 12 points for meaningful reform that the Blue Dog Coalition has put forth. We are very grateful that she has included it in one of her objectives to accomplish in the first 100 hours.

What PAYGO means is that if you have got a new Federal program you want to fund or if you have got a tax

for folks earning over \$400,000 a year that you want to cut, you have got to show us where you are going to pay for it. You cannot just pass laws that cut revenue or increase spending without showing where the money is going to come from, because we know where it has been coming from. It has been coming from foreign central banks and foreign investors, as the gentleman from Georgia so eloquently pointed out.

This administration and this Congress in the past 5½ years have borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined. Reinstating the PAYGO rules that were in place on the floor of this House when President Clinton gave us the first balanced budget in about 40 years, every year from 1998 through 2001, PAYGO rules were in place; then they will be in place again on the floor of this House, which is the first step toward restoring fiscal discipline and common sense to our Nation's government.

I yield back to the gentleman from Georgia.

Mr. SCOTT of Georgia. You are absolutely right, and it is so important I think as we talk this afternoon that the American people are well aware that they are in good shape with Democrats in control of the Congress.

Let me go on from the minimum wage. I mean, that is important. We are going to get that done and we are going to do it in a bipartisan way. We will reach out to the Republicans. We will work with Republicans. That is another thing that the American people want to see us do.

□ 1430

I can't tell you the number of times on the campaign trail that people will come up to me and say, Congressman SCOTT, for goodness sake, can you all stop the bickering? Can you just get along? To paraphrase our friend in California, can we just get along? And we are going to do that.

So we find common ground on the minimum wage and quickly pass that. Then we can find common ground, and let me just say something about the minimum wage as we go forward so people will know. We are talking about pay-as-you-go; we are talking about keeping financial and fiscal responsibility in and making sure we are accountable. This minimum wage is totally absorbed by the private sector, by the employment sector. We are simply making the adjustment to give a due raise to go in line with inflation and the other needs to bring the minimum wage up to the standard that we have.

Mr. ROSS. Will the gentleman yield?

Mr. SCOTT of Georgia. Yes, I will.

Mr. ROSS. Just on the minimum wage aspect, let me just make a point to that. If folks don't recognize the current Federal minimum wage of what it means, let me tell you what it means. If you are working 40 hours a week, 52 weeks a year, never get sick

and never take a single day off of work for vacation, you earn \$10,712 a year.

If we are serious as a Nation in moving people from welfare to work, we have got to value their work and we have got to pay them a living wage. And that is exactly what the gentleman from Georgia is talking about doing; and I am so pleased that Speaker-elect PELOSI has included that in her legislative agenda for the first 100 hours.

Mr. SCOTT of Georgia. And I will tell you why I am so pleased with our leadership and Leader PELOSI and STENY HOYER, JIM CLYBURN, and all of our great leaders. They have said that before this Congress gets another raise in pay, we will raise the minimum wage for the American people. That is leadership that the American people can be proud of.

As we move from the minimum wage, another area that we are going to work on very quickly: we know the high cost of education, we know what it costs for a young person to go to college. We have found a way in which we can get common ground. The Democrats will lead the way in cutting in half the interests that students will have to pay on their student loans. That is the kind of tax cut for middle-class America that is needed. It impacts everybody to have that. And we pay for it as we go. We can afford that, because that money that is saved is stimulated and goes right back into the economy. When you are able to get money back to the consumers and to the American people, they are able to use that money in every area; but it is recycled, it continues to go back into the economy to help the greater productivity of this country.

Mr. ROSS. I want to thank the gentleman for discussing some of the legislative agenda items that we will see in the first 100 hours of the new 110th Congress. And reforming Medicare part D is another one of those that I am very excited about, where we are actually going to allow our government to negotiate on behalf of 40 million seniors with the big drug manufacturers to lower the cost of medicine, which hopefully can help us to eliminate or reduce this doughnut hole and continue to improve and make this benefit for America's seniors even better.

But we are 37 members strong. We are the fiscally conservative Blue Dog Coalition, Mr. Speaker, and I am pleased we are growing to 44 members with the 110th session of Congress beginning in January; and we are all about restoring common sense and fiscal discipline to our Nation's government. And, wow, does our country need a good dose of that, does Congress need a good dose of that. You can look to the chart here and find the answer is an overwhelming "yes" with a great big exclamation mark at the end of it.

As you walk the Halls of Congress, Mr. Speaker, you will find this Blue Dog Coalition poster as a welcome mat to the door of each of the 37 members

of the fiscally conservative Democratic Blue Dog Coalition to serve as a daily reminder to all of us that walk the Halls of Congress that our Nation and its spending habits are out of control. Today, the U.S. National Debt, and these numbers change daily in the Halls of Congress by the front door as a welcome mat to the members of the fiscally conservative Democratic Blue Dog Coalition. But today, as we stand here, the U.S. national debt is \$8,643,173,864,324 and some change.

If you divide that enormous number that is very difficult for us to get our arms wrapped around, if you take that number and you divide it by every man, woman, and child, including those being born today here in America, your share, each individual's share of the national debt is \$28,867. We refer to it in the Blue Dog Coalition as the debt tax, D-E-B-T. And that is one tax that cannot go away, that cannot be cut, that is stopping us from meeting America's priorities here at home. So that is the reason we have written a 12-point plan for reform that will cure our Nation's addiction to deficit spending, put us on a course toward a balanced budget, and that will allow us to begin to invest in America again.

We have got the cochair-elect of the Blue Dog Coalition with us today, one of the members of the Blue Dog Coalition who has been around for quite some time and has been a real leader in the group and I am pleased to report that beginning with the 110th session of Congress will become the cochair for administration for the Blue Dog Coalition, and that is the gentleman from Florida, Mr. ALLEN BOYD.

Mr. BOYD. Mr. Speaker, I want to thank my colleague from Arkansas, my fellow Blue Dog, Mr. ROSS, and also Mr. SCOTT, for being here and sharing in this hour to talk a little bit about the priorities of the Blue Dog Coalition.

Mr. Speaker, we have a unique opportunity here before us that we don't have a whole lot of time to grasp on to and do something with. It is an opportunity that doesn't come along often, maybe once every generation or so, in which the American people say to the United States Congress and to the administration, We don't like the direction the country is heading in, and we would like to put a new team in place and head in a different direction. And, Mr. Speaker, many of us who serve in the Halls of this Congress have not experienced this before, we have not been here when this has happened. More than half of the Members of this Congress were not here in 1994 when this happened before. So we have a unique opportunity to change the way that this Congress operates and to do some things that will help to keep America the greatest country on the face of the Earth.

Mr. Speaker, we all recognize that we live in a very special place. It is not perfect, but it beats the devil out of what is in second place around the world. We have the greatest economy

on the face of the Earth; we have the political machine that has been put here over the years that has never been equaled by man before. And with that, we achieve a lot of political clout around the world, and with that comes a lot of responsibility. But we have an underlying economic model, Mr. Speaker, that has allowed us to become really the greatest country on the face of the Earth, and for several years now we have eroded that underlying economic model in a way as we begin and as we try to address, and not very successfully, the issues that face our country.

It appears to me that over the last few years that many of the things we did were to maintain power rather than to advance the American cause and make life better for the American people.

We have a unique opportunity, Mr. Speaker, to tear down that wall that exists in the middle of that aisle that has been built over the last 8 or 10 or 12 years. The Blue Dogs want to do that. We want to reach across that aisle as Democrats and take hands with some folks on the Republican side who feel like we do, that we have to preserve that economic model, we have to address these issues that are before us in terms of spending problems and revenue problems, we have to address them all in one context.

You can't come here to this floor and address the spending issue one day without any regard for the revenue side, and then come the next day and address the revenue side without any regard for the spending priorities of this country. So that is what the Blue Dogs are all about. We believe at the end of the day the revenues have to meet the expenditures.

Now, we have some very difficult choices to make before us in the next few months: how do we put this Congress and this country on a path so that we will again come into a fiscal discipline situation where we can see down the road that we are going to have a balanced budget. We have a systemic deficit built in right now into our government activities, and we are going to have to make some tough choices relative to spending and relative to the revenue side, and I am honored that the Blue Dogs are going to be leading the way to bring fiscal sanity back to this government that we are so very proud of.

My friend from Georgia (Mr. SCOTT) has laid out the agenda items of the first 100 hours, and those we agree with. We think they are items that we heard the American people tell us during the campaign that we need to get done. And we are going to do those things, and we are going to do them in the context of balancing the budget in the long run.

One of the things that the Blue Dogs are going to really push for in the first 100 legislative hours in the 100-hour agenda is to make sure that we pass a PAYGO rule, a PAYGO rule that says

that if you are going to have a new program, you have got to find money to pay for it. And we also want to put in place spending caps. We want these in statute. This is what we did in 1997, Mr. Speaker, shortly after you came here a few years ago that got us on the path to fiscal responsibility and fiscal sanity.

So I am very proud to be a part of this group. This group wants to reach across that aisle, tear down that wall that exists, work with the folks on both sides of the aisle, because we all represent about 650,000 or 700,000 people, and those people have a right to be heard. Those people from back in the country have a right to be heard, and we ought to work that way. And I know the new leadership of this Congress has committed that they will work in a bipartisan way, and we will have a Speaker of the House, not the Speaker of a party.

Mr. Speaker, I want to thank you for the time, and I want to especially thank my colleague, Mr. ROSS, for putting this together.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Florida who has been elected cochair of the Blue Dog Coalition for the 110th session of Congress for coming and sharing his thoughts with us.

Mr. BOYD, you are so right. The American people on election night were telling us they want us to put an end to the partisan bickering, to clean up the mess in Washington, to reach across that aisle and work together, not as Democrats or Republicans, but as Americans. And put America first again, put our families and children first again, and put the people's interests above special interests. That is why I am so proud that Speaker-elect PELOSI has announced that during the first 100 legislative hours we will see a meaningful ethics reform bill on the floor of this House.

Some people, when they hear about the Blue Dog Coalition and the fact that we are a group of fiscal conservative Democrats, a lot of people all of a sudden just assume that it is a group of Southern Democrats. Not true. This is not a regional group; this is a national group and a national movement that stretches from Salt Lake City and Burbank, California all the way to Long Island. And I am so pleased that one of our longstanding members of the fiscally conservative Democratic Blue Dog Coalition, the gentleman from Long Island, STEVE ISRAEL, is here with us today; and I yield to him.

□ 1445

Mr. ISRAEL. Mr. Speaker, I thank my very good friend from Arkansas with whom I have served for 6 years. We were elected together in 2000, and it has been my privilege to work with and under him in the Blue Dog Coalition.

Mr. Speaker, one of the critical obligations we have as Members of Congress, it does not matter whether you are a Blue Dog or Republican or Democrat, one of the most critical obligations we have, in my view, is keeping

our country strong and safe, making sure that our military continues to be the strongest and greatest on earth; making sure that our children, as they advance in years, inherit a military that is strong and a country that is safe and secure. That is what we all think about. That is the obligation that we all have.

But if we continue these unsustainable budget strategies on this unsustainable budget path with \$8 trillion debts and multibillion-dollar annual deficits, we are undermining our military and we are doing a disservice not only to our children but to the brave men and women who count on us to ensure that we are appropriating the funds adequate for them to fight the fight.

I have the great privilege of being on the Armed Services Committee, which has jurisdiction for all military and national security issues. We have a \$500 billion national defense budget this year. We need to continue providing our forces with the critical funds that they need for force protection, for night vision goggles, for up-armored Humvees, for Kevlar, for pay increases, for health benefits, for decent housing, for education. We are going to continue to need to do that because the world will continue to be a very dangerous place. We want to make sure that our men and women have all of the resources that they need to confront those dangers.

The problem is this: These unsustainable budgets, the lack of balanced budgets, the lack of true prioritizing and the lack of true bipartisanship is not going to provide our military with what they need. Let me give an example.

At a recent Blue Dog meeting, I was very concerned to receive a report from the GAO, and that report is eye-opening. It is jarring. It should be a matter of concern to everybody who makes budget decisions.

According to that report, in 2005 Federal revenues as a percentage of GDP were just over 20 percent; just over 20 percent of our gross domestic product was Federal revenues. Federal revenues will be flatlined all of the way through 2040. Federal revenues, now over 20 percent of our GDP, in the year 2040 Federal revenues will continue to be just over 20 percent of our GDP. The problem is this: that Federal spending is going to far exceed our Federal revenues. Last year, 2005, Federal spending as a percent of GDP, might have been sustainable. But by the year 2040, Federal spending as a percentage of GDP will be so high, without the appropriate balanced budget controls, that this is the condition that our kids will find themselves in. In the year 2040, Federal revenues will be ample to pay for two functions in the Federal Government: interest on debt and a little bit of Social Security. Everything else will be in the gap between the money we have and the money we need. That includes all defense spending. It in-

cludes the FBI. It includes payments to farmers. It includes the CIA. It includes all of our national security spending. That is what we are saying to our children.

If we continue these unsustainable budgets, by the year 2040, Federal revenues will only pay for interest on debt, credit card interest, and a little bit of Social Security. They are either going to have to cancel all other programs or tax themselves catastrophically to pay for them. Now, that is not a value that any American sitting around their kitchen table would agree to. That is not a work ethic that any of us would agree to.

So how do we fix this problem? How are the Blue Dogs proposing that we give our kids the ability to pay for the strongest military on earth? It is very simple, not very complicated at all. The Blue Dogs say balance our budgets. Don't spend if you don't have the resources to spend. The Blue Dogs say impose fiscal discipline on this Congress and on the administration. The Blue Dogs say prioritize, meet your critical needs first, pay for a strong military, don't try to balance budgets on the backs of people who are fighting on our fronts and then have them report to us that they didn't have coagulant bandages in Iraq because nobody paid for adequate amounts. Pay for those things first and watch and measure your spending on other less important things. That is what we are saying. But make sure at the end of the day the budget is balanced.

Finally what the Blue Dogs are saying is this: We don't care whether you are Democrat or Republican. We don't care whether you are from the south shore of Long Island or from the deep South. It doesn't matter to us. Work with us. Work with us. We will work with you.

The seat that I stand in front of here is three seats from the center aisle of the Congress of the United States. Blue Dogs have demonstrated time and time again our willingness to cross that aisle and work with anyone who is as committed as we are to the values of a balanced budget and a strong defense.

So as we go into the majority, which is a very sober responsibility, and face the difficult choices to be made, we assert again our willingness to cross that center aisle and forge partnerships with Members on the other side of the aisle to do what is best for our children: Pay for a strong defense, an excellent military, a well-trained military, and do it as we balance our budgets. Give our children the ability to be protected and pay for that protection at the same time.

It is about simple, fundamental commonsense priorities, and few organizations are as equipped and as expert to pursue those priorities as the Blue Dog Coalition, which is why I have been so proud to be a member.

Mr. ROSS. I thank the gentleman from Long Island for joining us on the floor of the U.S. House of Representa-

tives as we discuss the fiscal conservative Democratic Blue Dog Coalition and our plans to restore some commonsense and fiscal discipline to our government.

It begins with our 12-point reform plan for curing our Nation's addiction to deficit spending.

Mr. Speaker, if you have questions, comments or concerns, you can e-mail us at BlueDog@mail.house.gov.

Quickly, I want to go through some of the 12 points. In other words, we are not here on the floor of the U.S. House of Representatives just to beat up the Republican leadership or just talk about what has gone wrong, we are here to offer up commonsense solutions to getting this Nation out of debt.

Number one, require a balanced budget. Forty-nine States do. Holly Ross does. Most Americans understand the concept of a balanced budget. So number one, require a balanced budget as a nation.

Number two, don't let Congress buy on credit. That goes back to the PAYGO rules, and we are very pleased that Speaker-elect PELOSI has included in her legislative agenda for the first 100 hours reinstating PAYGO rules, rules that were in place on the floor of this House from 1998 through 2001 when we had a balanced budget for the first time in about 40 years. Pay as you go simply means if you want to spend money on a project, show us where the money is coming from; don't go to China and borrow it from them.

Number three, put a lid on spending, what is referred to as strict spending caps to solve the growth of runaway government programs.

Number four, require agencies to put their fiscal house in order.

Mr. Speaker, did you realize that 18 of 24 major Federal agencies can't produce a clean audit of their books? The Constitution clearly gives Congress the authority to provide oversight, and all this Republican-led Congress has been doing is rubber stamp after rubber stamp after rubber stamp and continuing to give these agencies more money when they can't account for the money they already get.

These are four of the basic principles of the 12-point plan that the Blue Dog Coalition is offering up for meaningful budget reform.

I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, it is very important that we put this in context because as we move forward with pay as you go, we at the same time must respond to the needs of the American people. But we are doing so in a very fiscally responsible way. Check the minimum wage, no Federal expenditure. It will be absorbed by the private sector, and indeed stimulating that private sector to produce more.

The movement to bring down prescription drugs by having the Secretary of Health and Human Services be able to negotiate using the bulk number of 55 million recipients of

Medicare to be able to bring down the cost that accrues to us.

And just now with the release of the Iraq Study Group report, and Mr. ISRAEL and I share as cochairs of our Democratic group, as cochairs on national security, that we have been examining these issues. He is absolutely right. We must take better care of our military. The American people are expecting our expenditures to go there. And one of the great, I think, recommendations of this study group that is headed by Mr. Hamilton and Mr. Baker that was just presented to the President yesterday is the realization, number one, we have to make some changes in this Iraqi situation because of the terrible drain that it is doing to our military. If we don't correct that, surely the security of our country goes down.

The other area that we talked about with regard to fiscal responsibility is the matter of halving the interest rate that our students pay on their student loans. That is money that goes back into the economy and a savings to our middle-class families.

Now the other area that we are going to move on in our first 100 hours is to begin to deal forthrightly with our problem of energy, our problem of energy dependence on the Middle East, that most volatile region. We are making great strides. One of our first efforts is to increase the incentives to go into renewable energy.

I just came back with a group of other Congressmen who are members of the Agriculture Committee. We went to Brazil. The reason we went to Brazil and South America, is because we realize here in this country we don't have all of the answers. But I will tell you one thing, they are doing something very special down in South America. We need to hurry up and do it here.

For example, in Brazil, 85 percent of their new automobiles that they are putting out in the market this year are flex fuels so that they will be able to use ethanol as well as regular gasoline.

I asked the Minister of Industry in Argentina and Brazil this one question about their trade relations with the Middle Eastern countries and what percentage of their energy they were getting from abroad: Argentina and Brazil, absolutely none. They are almost at the point of being energy independent because they had the foresight to move on this area.

I am so pleased with our leadership on the Democratic side to say among our first efforts will be to increase at a rapid rate our preparedness, our infrastructure, so that we can develop ethanol in this country from the primary two sources that we have, granular corn and soybeans, as well as cellulosic.

Mr. ISRAEL. If the gentleman would yield, this is such a critical point. This is a national security area. And I know that the gentleman understands that so well.

Mr. Speaker, last year the Department of Defense spent \$10.6 billion on

basic energy costs. That is what it costs the military to fuel itself. Of that, the Air Force spent \$4.7 billion, about half on one thing: fuel for its airplanes. With this \$8 trillion debt, we have to fund the defense budget. How do we do it? The gentlemen know well, we borrow the money from China.

So here is what we are doing: We are borrowing money from China to fund defense budgets to buy oil from the Persian Gulf to fuel our Air Force to protect us from China and the Persian Gulf. This is not just an energy policy, it is a national security vulnerability. We will balance our budgets, have fiscal responsibility and pursue energy independence so that we are safer and we are much better off in terms of our budgets.

I thank the gentleman for yielding.

Mr. SCOTT of Georgia. Absolutely. Again, energy and becoming independent is a reachable goal. It is a doable goal, and we can reach that conclusion within a matter of a few years with the kind of leadership we are putting forward.

I am proud to say we will be putting research grants into that to spur our country to move very rapidly and develop that infrastructure.

Mr. ROSS. The gentleman raised an excellent point, and I am writing a plan to put America on a path towards energy independence, something Brazil will achieve this year. And the reason this is all so important, and it relates to the debt and the deficit, is as a Nation we are spending half a billion dollars a day paying interest on the debt we have already got.

□ 1500

America's priorities, including investing in alternative and renewable fuels and bioenergies and clean coal technology and synthetic fuels, will never happen. So it is time to get our Nation's fiscal house in order.

Mr. Speaker, we will be back on the floor next Tuesday night or at some Tuesday night in the future, whenever we see fit to come back as a Congress, to talk more about the Blue Dogs 12-point plan for meaningful budget reform, to restore common sense and fiscal discipline to our Nation's government.

And until we see you again, Mr. Speaker, I will leave you with this thought: everyone in America's share of the national debt: \$28,867. The debt tax, d-e-b-t. It is time, Mr. Speaker, we get our Nation's fiscal house in order and pay down this debt and have a balanced budget in this country once more.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 1751. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

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

H.R. 4075. An act to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes.

H.R. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

The message also announced that the Senate has agreed to, with an amendment, a concurrent resolution of the following title:

H. Con. Res. 430. Concurrent resolution recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

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

S. 2322. An act to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 3938) "An Act to reauthorize the Export-Import Bank of the United States."

GENERAL LEAVE

Mr. KIRK. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S. 2370.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMEMORATING THE SERVICE TO THE UNITED STATES OF THE HON. HENRY HYDE

The SPEAKER pro tempore. Pursuant to the previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 45 minutes.

Mr. KIRK. Madam Speaker, we meet here today to commemorate the service to the United States of our colleague HENRY HYDE of Illinois. HENRY

HYDE, from our Sixth Congressional District, currently is retiring as the chairman of the House International Relations Committee and has become one of the most intellectual and respected Members of the House.

HENRY comes from Chicago Earth. Raised as a Catholic and a Democrat, he was an all-city basketball center when he went off to college in Georgetown and then enlisted in the Navy. HENRY HYDE served our country in the United States Navy from 1944 to 1946, serving in the Lingayen Gulf and then the Reserves from 1946 to 1968, finally retiring from the Navy as a commander. After the war, he finished college and law school and practiced law in Chicago and in 1958 switched parties, convinced that Republicans were in line with his anti-communist beliefs. He ran for the House in 1962 and lost by a six-point margin.

He then ran for the Illinois House in 1966. He served as the majority leader between 1971 and 1972. He ran for Speaker of the Illinois House, but didn't make it after a narrow battle.

HENRY was elected to the Congress in 1974, after originally planning to run as president of the Cook County Board until Congressman Harold Collier told HENRY that he was not going to run for Congress again. HYDE's first campaign for Congress was against the Cook County State's Attorney, Edward Hanrahan, and in that race HENRY won by a victory of 53 percent.

It was a big Democratic year in 1974, but what a leader the people of the Sixth Congressional District elected when they chose HENRY HYDE, not only as chairman of the International Relations Committee but also of the Judiciary Committee and someone who had a key role in expanding the fight for freedom and democracy in Central America.

I first worked closely with HENRY HYDE when I served in the United States State Department on behalf of the Central American Peace Process. It was HENRY HYDE, his intellect and his voice, that saw the growing danger in Central America. It was HENRY HYDE that helped lead this House on a bipartisan basis to back the democracy in El Salvador in its resistance against a communist-backed insurgency. It was HENRY HYDE that worked with the Assistant Secretary of State Bernard Aaronson to back elections in Nicaragua where for the first time a communist dictatorship was lulled into an election and then defeated by the people there. It was HENRY HYDE that really laid the groundwork in this House as a minority Member on behalf of a new pro-democracy strategy in Central America that ended all of those terrible wars in El Salvador and Nicaragua and in Guatemala, laying the groundwork for peace, the Central American Free Trade Agreement, and much greater prosperity and security.

Today, we, his colleagues, mark his service, since 1974 in this House of Representatives, as an intellectual leader.

I would now like to recognize Congressman RAY LAHOOD for his remarks on the service of HENRY HYDE to our country.

Mr. LAHOOD. Thank you, Congressman KIRK. I appreciate the fact that you were able to arrange the time for those of us here in the House that want to pay high honor to HENRY HYDE for his service to our country and to the people of Illinois and to the people of the world.

Certainly his service as chairman of the International Relations Committee has been service to not only Illinois and our great country but also to people all around the world, because he has become somebody who has been an advocate for those who have had little voice in their own countries and an advocate for those who have had little voice in their opportunities to share in the same kind of democracy that we have in this country.

Illinois has a rich heritage of sending to Washington, DC, distinguished Americans, not the least of whom certainly was Abraham Lincoln, who served in this House for one term; not the least of whom was Everett Dirksen, who served in this House for several terms and then went over to the other body; not the least of whom was my predecessor, Bob Michel. So I have had the privilege of coming from a State that has sent to Washington, DC, men of great honor, great integrity, men and women who have served the country so well. And HENRY will certainly go down in the annals of the history of Illinois, the history of our country, as being one of those men.

A distinguished career here in the House. A career that, unlike probably almost any other Member, he has been able to chair two very significant committees, the Judiciary Committee for 6 years and because of the term limits on our side, he had to give up that chairmanship, but he served with great distinction on that committee and handled one of the most contentious issues ever to come before the House of Representatives in the history of the House, and that was the impeachment of a President. And he did it with great integrity, great honesty, and in a way that I think distinguished him and distinguished the Judiciary Committee and distinguished the House of Representatives. As the chairman of the International Relations Committee, he has served the House very well and served the Members very well.

As he retires, tomorrow marks probably the last day for the 109th Congress and the last day for Mr. HYDE to have an opportunity to be a voting Member of this great deliberative body. I know that so many on both sides of the aisle have the highest regard and respect for his service here.

In addition to serving in both important committees, as Chair of important committees, Judiciary and International Relations, the one thing that I think Congressman HYDE will be remembered for certainly is being the

loudest and the strongest voice for the unborn, for those who have not had a voice, for those who have not had the opportunity to have their voice heard. He has been the strongest advocate for what has been commonly referred to as the "Hyde amendment" that restricts Federal funding for abortions. And that issue is an issue that he will long be remembered for, along with many other issues, but one that I know he is very, very proud of. His service to those who have not had a voice but he has given them voice in this House of Representatives.

So as we say fond farewell to our friend from the northern part of Illinois, from the Sixth District of Illinois, we say God speed. We say job well done. We say what an honor it has been for those of us not only from Illinois but for the entire body to say that we have served with a giant, a giant in so many ways, a giant known as HENRY J. HYDE, the Congressman from the Sixth District, the former chairman of the Judiciary Committee, the current chairman of the Committee on International Relations, someone who has made a mark in the history of the House, made a mark in the history of politics in Illinois, and will long be remembered for his distinguished career.

Mr. KIRK. Madam Speaker, I would like to yield now to my colleague from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, I would like to thank Congressman KIRK for helping arrange this and my colleagues who are making their way to the floor to honor a great friend and a great leader, someone who sometimes there are people here who you just don't feel you are worthy enough to speak in support of.

Chairman HYDE has been an ardent spokesman for what is good about America. He has been a believer in democracy, in freedom, and the rule of law. He has been an outspoken supporter of the right to life and protecting those who have no say in our society. And I guess as colleagues come to the floor on both sides of the aisle, I think they will agree with me that Chairman HYDE is an ideologue but has never allowed his ideology to get in the way of his ability to be honorable, respectful, thoughtful, open, and in such a way that he has earned great respect from this institution.

Many people have legacies that they leave throughout life in very different areas of careers. Chairman HYDE's legacy will be one of a conservative beliefs and one who put his heart and soul not only into his values and beliefs but into this institution. He cherishes it. He loves it. And it would be good for us, all Members, to remember the life that Chairman HYDE led in his chosen career, field, which is as a legislator at this level, and emulate that type of service. And I think we will be well served as a Nation to follow Chairman HYDE's lead.

I wish him the best, God's blessings on him, and thank him for his service to this great Nation.

Mr. KIRK. Madam Speaker, I would now like to yield to another admirer because HENRY had so, so many admirers on both sides of the aisle and one of them was our colleague from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I want to, first of all, thank my colleagues, Representatives KIRK and SHIMKUS from Illinois, for giving us the opportunity to take this moment to pay tribute and commend the life, the work, and I would even extend to the point of saying the legacy, of Chairman HENRY HYDE.

As a matter of fact, HENRY's district is next door to mine. His district is number six. Mine is number seven. And oftentimes I find myself in his community, in his neighborhood. And I sometimes go to an eating establishment, that is a restaurant, where he is a legend. And generally every time I go in there, someone is exploiting and extolling the virtues of HENRY HYDE, and they are talking about they remember the time when HENRY did this, HENRY did that. I agree with Representative SHIMKUS that although ideologically bent, HENRY has always been a gentleman and a scholar, a true gentleman and a pleasant person to work with. I am delighted to have served with him, wish him well, and know that we are still going to bump into each other occasionally in that great restaurant where he likes to eat.

Have a good time, HENRY. We look forward to seeing you.

Mr. KIRK. Madam Speaker, we have a number of admirers of HENRY HYDE. One who served with him longer than almost any other Member in the House of the Representatives is my colleague from California, Congressman LUNGREN.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I thank the gentleman for yielding.

It is a privilege and a distinct pleasure to be able to say a few words about HENRY HYDE, someone I consider to be a friend but also who I consider to be part of the institution of the House of Representatives and in many ways a true hero.

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We count probably on one hand the number of inspirational people that we either have read about in history or have met in person. I count my father as one of my heroes. I count Abraham Lincoln as one of my heroes. I count Ronald Reagan as one of my heroes, and I count HENRY HYDE as one of my heroes. Of that group, there is only one with whom I was able to serve in the House of Representatives on the Judiciary Committee for 10 consecutive years, a number of those years sitting directly beside HENRY HYDE. He was not only an excellent practitioner of the art of politics, but he was a true scholar. If you have ever had the oppor-

tunity to sit with HENRY HYDE as he thinks about a response to a question, thinks about a response to an argument that has been made on the floor or the committee, you see a man in real thought, in deep thought.

If you have ever had the opportunity to be there when he then began his response, you were educated, you were edified, you were inspired by what he had to say. And you knew he took it seriously, but he never took himself too seriously. We could do no better in this House of Representatives as we embark on a new Congress in which the majority has shifted, and as we attempt to try and figure out how we treat one another, to think of the example of HENRY HYDE.

I can recall in the years when we were in the minority, HENRY HYDE oftentimes arguing in the well of the House with passion and compassion, with intellect, sometimes with a slight bit of humor, sometimes even sarcasm, but it was good-natured sarcasm. And as he ended, he would go to the other side of the well and seek out his opponent and oftentimes give him or her a playful punch in the arm and tell them a joke to alleviate the pressure. And that was HENRY HYDE, fighting for his principles, but always attempting to have a level of civility in this House that we desperately need.

HENRY HYDE was here a couple of years before I first came in 1979, and he was sitting on the floor of the House with another Member when a certain appropriation bill came through, and they thought, you know, we have been talking about doing something on the issue of the unborn, and maybe we ought to put pen to paper and write out an amendment. That was the birth of the Hyde amendment, not something that had been done by staff, as good as they are, and worked on for months or for years, but sitting here on the floor of the House, inspired by the debate that had gone on and thinking, you know, maybe I can make a difference by just writing out an amendment and sending it up to the Clerk and having it read, having it introduced and having it become an issue of prime importance on which Members can disagree here; but there is no doubt that it, in many ways, focused that debate in a very serious way, and it continues to this day.

I was with HENRY HYDE when he thought about the speech given by the Governor of New York, Mr. Cuomo, at my alma mater, Notre Dame, about the proper role of someone who has faith and seeks to be a politician and elected official. And Mario Cuomo's speech at Notre Dame was lauded by many across the Nation as the best exposition of one in public life attempting to try and make that proper balance between their private views and their public views. But HENRY was troubled by the overall approach that was utilized by Governor Cuomo, and he had the opportunity to respond about 2 months later when he spoke to the law school at the University of Notre Dame. He later put

that speech in a small book and it was called "For Every Idle Silence." And it is a phrase that suggests that we will be held responsible, not only for every act that we do, but for every idle silence we do in the face of a moral dispute. If anybody has the occasion to go back and look at that speech, it is one of the most profound statements on how one can resolve in his or her own mind how you can be faithfully an American and faithful to your faith, all at the same time.

HENRY HYDE had that unique ability to bring the force of intellect, the power of faith, and unquenchable desire to make sure America stood tall, and a profound understanding of the Constitution that you rarely see combined in one individual. This place has been ennobled by the participation in the debate by HENRY HYDE. This place has been honored by HENRY HYDE's presence here. And while he leaves us as he retires, his spirit will not leave. His example will not be in vain. And those of us, as we look through troubled times, as we attempt to try and come up with a public policy to respond to the threat that some call the war on terror and I call the war on Islamofascism, as we attempt to try and figure out how do we garner the power of this Nation to respond to that threat and at the same time guarantee the protections of civil liberties that are enshrined in our Constitution, we could do no better than look to HENRY HYDE for inspiration.

And I know that as long as I serve in this body, my model for a Member of the House of Representatives will always be HENRY HYDE.

Mr. KIRK. Madam Speaker, HENRY HYDE was known as a strong Republican partisan, but he also had a number of bipartisan achievements, one of them in backing the assault weapons ban, also in supporting JESSE JACKSON, Jr. on his effort to build a third airport in Chicago at Piaton. And one of the men who have worked with HENRY HYDE and seen his legacy is my colleague from Illinois, Congressman LIPINSKI, and I yield to him.

Mr. LIPINSKI. Thank you, Congressman KIRK, for the opportunity to come today to speak about HENRY HYDE, who has been a great statesman, who has served his district from Illinois and the Nation in such a great manner for so many years. It is a great honor to rise to recognize his dedication as a public servant and as a skilled legislator, and a real pillar, especially in the foreign policy community.

Since 1975, Congressman HYDE has faithfully served his constituency in the Chicagoland area. And all Americans, now, on his retirement, we take this opportunity to thank HENRY for his outstanding contributions and influence on our country.

Before entering the U.S. House, Representative HYDE served in the Illinois General Assembly, beginning in 1966, which I note is the year that I was born. So I don't quite remember that, when HENRY first started serving the

State legislature. But he rose in the State legislature to the position of majority leader, and he earned a reputation as an articulate debater.

When he was then elected to Congress, he brought his knowledge, his skills and his passion to the House to serve our country. In the House he has served on the Select Committee on Intelligence, he has chaired the Committee on the Judiciary, and currently chairs the Committee on International Relations.

Because of his work, his tenure and his record, the Chicago Tribune has called HYDE one of the most respected Members of Congress, and an eloquent and intellectual powerhouse.

Now, I remember back in 1983, my father had first been elected to the House. I remember coming here and how thrilled I was to have the opportunity to meet HENRY HYDE. He was so well known. Everyone knew what an articulate man he was and how much passion he had, how much knowledge he had; and he was a true statesman. And I really respected his position that he took in his fight against the Soviet Union in the Cold War. That is something I really respected. And because everybody, no matter where they stood on any issue, had so much respect for HENRY HYDE, it was a thrill back then to meet HENRY.

Now I have had the privilege of serving for 2 years with HENRY in the House; and I know I have heard, through my 2 years, stories from Members and their experiences with HENRY over the years. And I have talked with JIM OBERSTAR about the Hyde amendment and how JIM would talk with HENRY about this and how they worked together to bring forth the Hyde amendment.

HENRY is willing to work together to reach consensus and to reach important goals for our country. No matter what you thought about where he stood on issues, you listened to HENRY HYDE because you knew when he spoke he would be eloquent, he would have good arguments, and you should listen to him.

Now, I am very happy that I had this opportunity to serve with HENRY. He has served our Nation so well. He has served the State of Illinois so well, and I know that his legacy will certainly reflect his commitment to Illinois, to his district, and to our Nation. His insights, his passion, and his presence will deeply be missed.

He truly was also a man of faith, which he brought here and always used that; it was always important to what he did in the House. We wish HENRY all the best in his retirement. And we are all truly grateful for his service.

Mr. KIRK. Madam Speaker, I yield to the majority leader.

Mr. BOEHNER. Madam Speaker, the conference report I am filing is the conference report on the nuclear agreement, the India nuclear agreement which will be named after our esteemed colleague, HENRY HYDE, who is on the verge of his retirement.

When I came here some 16 years ago, I think one of the first meetings I had as a Member was with HENRY. And I went to HENRY because he was one of the most respected Members of the House. I thought I could learn something from him, and, as importantly, I wanted him to know who I was.

But over the years, I have learned an awful lot from HENRY HYDE. And I can remember vividly the spring of 1995 when the Republicans had taken control of the Congress for the first time in 40 years. We had pledged that we would move the Contract with America in the first 100 days of a Republican Congress. And I don't think any of us realized the amount of work that was involved in that contract, nor how much of it fell within the jurisdiction of the Judiciary Committee of which HENRY HYDE was the new chairman.

And Mr. HYDE, in his committee, worked tirelessly day and night for 93 days to produce their part of the Contract with America. And I remember sitting in leadership meetings where we were concerned about HENRY's health during that 93 days. And here it is, some almost 11 years later, HENRY is strong, still with us and still doing a great job and producing good work.

It was an honor for me to serve with HENRY HYDE, and I was proud that he supported me to be the majority leader. Thinking back some 16 years ago, I would have never looked at myself as a potential majority leader. I would have been looking towards HENRY. But he is a fine man and a great asset to this institution.

Mr. KIRK. Madam Speaker, I would like to recognize one of his subcommittee chairmen, Congressman ROYCE from California.

Mr. ROYCE. Madam Speaker, I am rising also to honor HENRY HYDE. As every Member of the House is aware, Mr. HYDE will be retiring from Congress after the end of this year after 32 years of service, not only to the people of the State of Illinois, but of service to the people of this country.

Chairman HYDE took over the Committee on International Relations when the 107th Congress began; and if we think back to that time, that was January of 2001. Most of us weren't thinking that foreign policy would soon be at the forefront of Congress's agenda.

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But, of course, not long after that, on September 11, our Nation was attacked, and our agenda changed. I know that my colleagues had added confidence knowing that HENRY HYDE would be leading the Committee on International Relations as we confront the terrorist threat. Their confidence proved to be well placed.

Chairman HYDE has said, you know, you want to be thought of well by the people you work with. You like to earn their respect. I would like that to be my legacy.

Well, Madam Speaker, that will be the legacy of Chairman HYDE. The gen-

tleman from Illinois has earned the respect of his colleagues with his hard work, with his fairness, with his intellectual prowess and good-natured Irish wit.

Madam Speaker, it is often said that politics don't stop at the water's edge. Chairman HYDE has personified that adage. He is a leader for all of us. Other committees in the House, and indeed the Congress as a whole, would do well to take their cue from Chairman HENRY HYDE. The issues being dealt with in our committee, issues of war and peace, are just too important to succumb to partisan rancor.

Though he has been tried at times, HENRY HYDE understands that we are Americans more than we are Republicans and Democrats. He makes many of us a little prouder to serve in Congress.

Madam Speaker, the House would do well to consider carefully the chairman's words delivered earlier this year. I wish the chairman's speech, titled "Perils of the Golden Theory," had received greater attention than it did. It is profound and poignant, as is usual with HENRY HYDE.

Chairman HYDE provided a cautionary note. I am going to quote from him for that speech. "For some, the promotion of democracy promises an easy solution to the many difficult problems we face, a guiding light on a dimly seen horizon. But I believe the great caution is warranted here."

The chairman went on, "But we also have a duty to ourselves and to our own interests, the protection and advancement of which may sometimes necessitate actions focused on more tangible returns than those of altruism. Lashing our interests to the indiscriminate promotion of democracy is a tempting but unwarranted strategy, more a leap of faith than a sober calculation."

The chairman was reminding us that there is no single solution to solving the world's complex problems, and that we must challenge ourselves to better understand the world, to better understand its millenniums of recorded history and culture, if we are to navigate these very challenging times.

Chairman HYDE's message, I believe, was, yes, try to make the world a better place, but get there by dealing with the world as it is, not as we wish it was to be. It was a speech of a hopeful realist.

Madam Speaker, we should listen to men who have seen as much in their lifetime as Chairman HYDE. While times change, much has remained the same since the days that a young HENRY HYDE fought for his Nation in the Pacific theater, for human nature is immutable. But looking to Chairman HYDE for guidance, and I hope we will hear from him in the years to come, and should we look to him for guidance, I am sure our Nation will be more secure.

Mr. KIRK. I yield to the chairman of the Agriculture Committee, another

HENRY HYDE aficionado, the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. I thank the gentleman for yielding. It is a real honor to rise in tribute to a great American statesman, HENRY HYDE.

Madam Speaker, HENRY HYDE is somebody that I knew of by reputation before I arrived here at Congress in 1993. It has been one of the true privileges of my service here to get to know and work with this outstanding man. He is known throughout the world in diplomatic circles as a great ambassador for the United States, as chairman of the International Relations Committee.

I have had the opportunity to see him in action with Presidents and Prime Ministers, to see the kind of respect that he commands from world leaders because of his leadership of that committee and because of his great concern for the promotion of American interests around the world.

Those interests are very pure, interests of promoting democracy and opportunity, freedom and peace, for people in every corner of the globe. I have not had the privilege of serving on the International Relations Committee, but I have had the opportunity to serve for 14 years on the Judiciary Committee with HENRY HYDE. Not only is he a great statesman on the international stage, but he is clearly also a great statesman in promoting and protecting the Constitution of the United States, the people's Constitution, as he views it, and as he has protected it for many, many years in his service here in the Congress.

I have, as one of my prize possessions, a gavel that he used during the impeachment proceedings with regard to former President Clinton. The impeachment proceedings are not a happy or pleasant circumstance, and I don't prize the gavel because of the circumstances, but I prize it because it was used by HENRY HYDE with courage, with integrity and with forthrightness and handling, in a very diplomatic and very statesmanlike way, what was clearly the most challenging thing that he dealt with in his entire career.

He did it with great dignity. He did it correctly, he did it with great sacrifice as well, because he faced bitter, unfair, false attacks from many quarters for his facing up to that challenge, and I was proud to serve with him on that committee in that regard.

He is also known as a champion for life in America and around the world, and I think that may perhaps be his greatest legacy of all. Because to HENRY HYDE, life is not just about one issue, abortion or any other issue, it is about human dignity and about preserving and protecting and giving opportunity to each and every one of us. As a young and new Member of Congress, he took me and guided me through many challenges when we became the majority party.

As a member of the Judiciary Committee, a new member of the committee, he gave me opportunities to lead the management of legislation and amendments here on the floor of the House, and I will be forever indebted to HENRY HYDE for making my career in the Congress greater, and this institution a greater institution because of his dedication and service. Thank you.

Mr. KIRK. I thank the chairman. Pat Durante, who has worked for HENRY HYDE since 1974, said that Henry is now in the Guinness Book of World Records as having done the most number of parades of any sitting Member of Congress at that time.

To mark that service, I yield to my colleague from Illinois (Mr. MANZULLO), the chairman of the Small Business Committee.

Mr. MANZULLO. Madam Speaker, it was a scene reminiscent of the courtroom scene when Scout was asked by the pastor to stand up when her father was leaving the courtroom in *To Kill a Mockingbird*. When Atticus Finch got up to leave, the pastor turned to Scout and said, "Scout, your father is leaving the courtroom. Please stand." And everybody stood.

I was a freshman in 1993. HENRY HYDE, for some reason procedurally had been unable to offer his Hyde amendment. William Natcher from Kentucky, who was the chairman of the Appropriations Committee when there was tremendous opposition to Mr. HYDE getting the Hyde amendment through, and he needed unanimous consent to do that, Mr. Natcher stood up and said, Mr. Speaker, the gentleman from Illinois wishes to offer a unanimous consent motion with which I agree heartily. At that point Mr. Natcher was looking at everybody on the floor, and HENRY HYDE got up, and was allowed to offer that amendment, without objection.

It was indeed the scene from *To Kill a Mockingbird*, because were it not for the significance and importance and now the posterity that he will leave with this magnificent gentleman from Illinois, that unanimous consent never would have been honored by this body.

We don't have a lot of HENRY HYDES around anymore. This place is less for that. But one thing we will always have as he leaves this body, being the distinguished gentleman from Illinois, is that spirit, that wit, that always gave rise to the fact that when in the midst of Members of Congress, somebody yelled out the name "Congressman," we all would turn and look at HENRY HYDE.

Mr. KIRK. I thank my colleague from Illinois.

Madam Speaker, I would just note that the conference report on the bill that we just filed, H.R. 5692, is called the HENRY J. HYDE United States-India Peaceful Atomic Energy Cooperation Act of 2006.

To mark that bipartisan spirit of HENRY's leadership on our foreign policy, that partisanship should end at the

water's edge, I recognize my colleague, Congressman FALEOMAVAEGA.

Mr. FALEOMAVAEGA. I do thank my good friend and colleague for giving me this opportunity, Madam Speaker. I had to literally run to the floor, only to find out that this important piece of legislation is a special tribute not only to our colleague, but certainly a special friend and a mentor, and what I consider as an institution, an institutional, outstanding leader in our Nation, about to retire.

Madam Speaker, in this conference report I want to express my support of the U.S.-India Nuclear Cooperation Act of 2006, and I commend the chairman, the gentleman from Illinois (Mr. HYDE) and the ranking member, Mr. LANTOS, of the International Relations Committee, Senator RICHARD LUGAR and Senator JOSEPH BIDEN, chairman and ranking minority member of the Committee on Foreign Relations in the Senate, for moving this legislation forward.

With my time remaining, I wish I had more time, I cannot help but to say that we are going to miss one of the most outstanding leaders that we have had in our Nation, and I want to pay that special tribute to my good friend, and he is like a father to most of us, the gentleman from Illinois (Mr. HYDE), whom I am going to miss very much.

Madam Speaker, I rise in support of the U.S. and India Nuclear Cooperation Promotion Act of 2006 and I commend Chairman HENRY HYDE and Ranking Member TOM LANTOS of the House International Relations Committee, and Senators RICHARD LUGAR and JOSEPH BIDEN, Chairman and ranking member of the Senate Committee on Foreign Relations, for their leadership in moving this legislation forward.

While some of our critics may argue that India has not signed the Nuclear Non-Proliferation Treaty (NPT), I submit that had it not been for our country's indifference, or benign neglect, if you will, India may have been a member of the nuclear club years ago and our discussion about the NPT would be a moot point. To be specific, India had a civilian nuclear program in place prior to the NPT being opened for signature in 1968 and, at the time, India was only months away from possessing nuclear weapons. But, in 1967, the U.S. joined with the Soviet Union in crafting a nuclear nonproliferation treaty which to this day states that only the United States, Russia, the United Kingdom, China, and France are permitted to own nuclear weapons because only these five nations possessed nuclear weapons at the time the treaty was open for signature.

Again, India had a civilian nuclear program in place and was only months away from possessing nuclear weapons prior to the NPT being opened for signature in 1968. But U.S. policy toward India precluded India from becoming a member of the exclusive nuclear club and this is why I agree with India's position that the NPT is, and has always been, flawed and discriminatory.

In fact, history speaks for itself. In 1962, when China attacked India, the U.S. responded by saying it might protect India against a future attack. But when China exploded its first nuclear bomb in 1964, the U.S.

welcomed China as a member of the nuclear club and we also supported China's bid to become a permanent member of the United Nations Security Council.

In 1965, when Pakistan attacked India, the U.S. remained neutral while China outspokenly supported Pakistan. Concerned for its own security and having little reason to rely on the U.S., India announced in 1966 that it would produce nuclear weapons and it is little wonder that India exploded its first nuclear device in 1974. Recent U.S. State Department declassified documents on U.S. foreign policy show that India had little choice given the hostile attitude assumed by the United States towards India during the Nixon/Kissinger years.

As we all can agree, India then and India today lives in one of the world's toughest regions and it is somewhat Eurocentric for the U.S. to treat India as if it is beholden to us for the safety, protection and well-being of her people. It is no grand gesture on our part that we now offer India civil nuclear cooperation. Instead, U.S.-India civil nuclear cooperation is long overdue and, quite frankly, the deal is as good for us as it is for India.

Madam Speaker, I commend President Bush and Prime Minister Singh for bringing this initiative to the table. I also applaud the efforts of Under Secretary of State Nicholas Burns who is the unsung hero of U.S.-India civil nuclear cooperation. As the lead negotiator for this agreement, he has represented this nation's interest with unprecedented distinction and I am honored to have worked with him during these critical months leading up to today's historic vote.

I also want to thank Mr. Sanjay Puri who worked in cooperation with Under Secretary Burns and Members of the House and Senate to bolster support for this agreement since the day it was first announced. I commend him for being a part of today's victory and I urge my colleagues to vote in favor of the conference report.

Mr. KIRK. I yield to my colleague, HENRY HYDE, a neighbor and colleague representing DuPage County, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman from Illinois for yielding.

I rise to honor my colleague and friend, Congressman HENRY HYDE. I am in the district next to Mr. HYDE. But as a freshman I used to say, try and get press when your district is sandwiched in between HENRY HYDE and the Speaker.

I think the one thing that I just will miss on the House floor about HENRY is his jokes. Whenever you are feeling blue, whenever you just needed a pick-me-up, there was HENRY sitting on the aisle and then over here. I just would go up, and he would give the joke of his day, which always made you feel really good.

He is always gracious and always ready to give credit to his colleagues. One time he used a joke that I used to open speeches with. He would always give me credit. He would say, "as JUDY BIGGERT says," and then go on with the joke.

I think that the House needs more HENRY HYDES. Probably Congress hasn't been so well thought of these days, and lately by the public. Our

image seems to be a little bit tarnished. But I think HENRY HYDE has always stood out in this body as a statesman. I can remember coming here as a freshman and going to our Republican Conference.

When he would come in the room, people would stand and clap. He just walked into the room, and he has always just stood out like that. I think the one thing that we could all really want to do is to follow him as far as the statesmanship and not just what people think of us politicians. So we are going to miss him, but I think the institution has become a better place because HENRY HYDE has been here, and we will miss him.

□ 1545

Mr. KIRK. Madam Speaker, I yield to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and also a next-door neighbor of HENRY HYDE in his service.

Mr. HASTERT. Madam Speaker, I thank the gentleman for taking this time and recognizing certainly one of the greatest modern statesmen that this House has had the honor of having as one of its Members.

HENRY HYDE is a person who I have got to know in cutting my teeth in politics. As a young teacher who decided to take a run for the State legislature after about 16 years of teaching, I was, to say, a little wet behind the ears. I was a novice. Part of this district that I had was DuPage County, which is the land of great Republicans and was outside of my home county, but, nonetheless, I had to represent part of it.

Every time that I would go on the dais or the podium, usually late in the program, I would follow HENRY HYDE. HENRY HYDE, of course, was this great, well-known statesman, the person who came to Congress in 1972, that fought the fights, that was the leader, that carried the banner of conservative Republicanism, and I was the school-teacher who was just cutting my teeth.

I got to learn a little bit from HENRY HYDE. I learned that if you wanted to keep people's attention, you had to have a little bit of humor, you had to keep to the point, you had to be loquacious. Well, I never quite learned to be loquacious, but, anyway, HENRY had that quality, and he still does.

One of the greatest speeches that I heard just recently was a speech honoring HENRY HYDE in the City of Chicago. Of course, there were a great multitude of supporters and people who have worked with HENRY over the years present. HENRY HYDE took the mike and for about 25 minutes laid out a wonderful litany of ideas, of challenges, of experience that this man has had in politics, from the State of Illinois, from the State legislature, then on to Congress and then went on to be a national leader and a national spokesman.

I think our Members from Illinois have learned that this great gentleman is not only a great leader, he is cer-

tainly a great spokesman, but he is a friend, somebody that you can sit down and share your concerns with or ask opinions or get a little lesson. HENRY is that kind of man.

I am very honored, because HENRY HYDE will now be a resident of my district. He is going to find a house down along the shores of the Fox River in northern Illinois, and I will be honored to have him as one of my constituents.

So to HENRY, God love you. We love you. You have been a great leader. You have been a person who we are certainly honored to have served with and a person who we will hold very, very closely to our hearts for years to come.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. COBLE) may proceed for 5 minutes without prejudice to resumption of business.

There was no objection.

Mr. COBLE. Madam Speaker, 5 months ago a constituent came to me back home and said, Oh, HOWARD, who is the most eloquent Member of the Congress? Without hesitation, I replied, HENRY HYDE.

She then asked, Well, who is the most eloquent Member of the Senate? I said, Oh, when I answered you, I was including the Senate. HENRY HYDE is the most eloquent Member of the entire Congress.

I told HENRY that story on the floor this week, and he said, HOWARD, that is why I am going to miss you.

HENRY HYDE appointed me to Chair the Judiciary Subcommittee on Courts, the Internet, and Intellectual Property, which I did for 6 years, for three terms. During that time, the ranking Democrat was the distinguished gentleman from California, Mr. HOWARD BERMAN, and as far as I can recall, Madam Speaker, neither HOWARD BERMAN nor I ever had a cross word with HENRY HYDE, nor did he have a cross word with Mr. BERMAN or me. I will always remember that, and I thank Henry for having named me to chair that subcommittee.

Madam Speaker, I asked him on the floor this week what his plans were. Henry replied, I plan to have C-SPAN nearby. Well, he may have C-SPAN, but C-SPAN will never be the same, Madam Speaker and colleagues, without the presence of HENRY HYDE, the distinguished gentleman from Illinois.

Mr. SMITH of New Jersey. Madam Speaker, the House just isn't going to be the same without HENRY HYDE—one of the rarest, most accomplished and most distinguished Members of Congress ever to serve.

HENRY HYDE is a class act. He is a man of deep and abiding faith, he is generous to a fault and he has an incisive mind that works seamlessly with his incredible sense of humor. He is a man who inspires and challenges us to look beyond surface appeal arguments. He is a speaker of truth in a society that all too often is willing to accept cheap sophism, the plausible and the fraudulent. And HENRY HYDE compels us to take seriously the admonitions of Holy Scripture to care for the downtrodden, the vulnerable and the least of our brethren.

The Almanac of American Politics has written that HENRY HYDE is "one of the most respected and intellectually honest members of the House" and "has proven himself as one of the most eloquent members of the House" and that his "speeches are classics."

In abortion debates HENRY HYDE remains the great defender of children and their moms, the champion of the most fundamental of all human rights—the right to life. Because of the Hyde amendment countless young children and adults walk on this earth today and have an opportunity to prosper because they were spared destruction when they were most at risk. With malice towards none, HENRY HYDE often took to this microphone to politely ask us to show compassion and respect—even love—for the innocent and inconvenient baby about to be annihilated. In one speech here on this floor he stated, "for over two centuries of our national history, we have struggled to create a society of inclusion—we keep widening the circle of those for whom we are responsible—the aged, the infirm, the poor. Slaves were freed, women were enfranchised, civil rights and voting rights acts were passed, our public spaces made accessible to the handicapped, Social Security for the elderly—all in the name of widening the circle of inclusion and protection. This great trajectory in our national history has been shattered by Roe v. Wade and its progeny. By denying an entire class of human beings the welcome and protection of our laws, we have betrayed the best in our tradition. We have also put at risk every life which someday someone might find inconvenient. What I ask here today, "welcome the little stranger."

In another speech on U.S. foreign policy in the 21st century given in Committee back in 2001, HENRY eloquently summed up the challenges and I quote in part "As a new century opens, the United States finds itself at a unique moment, not only in its own history, but in that of the world as well. We stand at the pinnacle of power: in virtually every area—military, economic, technological, cultural, political—we enjoy a primacy that is unprecedented and virtually unchallenged. Our potential at times seems unlimited, to some perhaps even permanent. . . . But as pleasant as these thoughts may be, I confess that I also see much that concerns me. . . . The concern I speak of is the longer-term, specifically how well we will use the enormous power we currently possess to secure the future for our country and the generations to come. The wealth of opportunities we currently possess are not permanent; the luxury of choice may be a passing one. To believe that we shall always be above the fray, untouched and untouchable by the forces of destruction still at work in this world, is a dangerous illusion. . . . The principal problem, the one that concerns me the most, is that we have no long-term strategy, no practical plan for shaping the future. . . . Despite our power, we must resist the temptation of believing we can fix every problem, indulge in every wish. Part of our strategy must be to decide what we cannot do, what we choose not to do, and to ensure that others take up their responsibilities. . . . So even as we revel in our good fortune, my great hope is that we will use this gift of time to plan for the future, unhurried, uncoerced, but mindful of the task at hand, aware that our opportunity to do so is a mortal one. The choice is clear: We can either shape the future

or have it shape us. A century ago, Britain stood majestically at the height of her power. Within 40 years, the knife was at her throat, and she survived only because the United States was there to rescue her. But, Mr. Secretary, as you are well aware, there is no one to rescue us. That is why we must think long and hard about how we can use the opportunities that Providence and the labors of two centuries have provided us to so shape the world that the need for rescue never occurs."

A Congressman for 32 years, a Chairman for 6 years of the Judiciary Committee and for another 6 years Chairman of the International Relations Committee, HENRY has been a prodigious lawmaker. With uncanny skill, determination and grace, he has crafted numerous, historic bipartisan laws and common sense policies that have lifted people out of poverty, helped alleviate disease, strengthened the U.S. Code to protect victims and get the criminals off the streets and has been magnificent in his defense of democracy and freedom both here and overseas.

One of his many legislative accomplishments includes his authorship of the President's Emergency Plan For AIDS Relief (PEPFAR), a 5-year \$15 billion plan to combat HIV/AIDS, tuberculosis, and malaria. During the debate Chairman HYDE was positively incisive as he compared the HIV/AIDS crisis to the Bubonic plague of the 14th century—the black death—and challenged us to enact a comprehensive program, which we did, to rescue the sick, assist the dying and prevent the contagion from spreading.

Having served with this brilliant one-of-a-kind lawmaker for my 26 years here, I hope HENRY HYDE knows that I—and so many others—will truly miss him. He is as irreplaceable as irreplaceable can get.

Mr. BUYER. Madam. Speaker. I rise to salute one of the greatest Members of this body, HENRY HYDE.

Congressman HYDE has a distinguished career in public service, beginning with his service in the Navy during World War II. Following service in the Illinois General Assembly, Mr. HYDE won election to the House of Representatives in 1974, admittedly a tough year for Republicans.

It was not long before HENRY's leadership and steadfastness to principle became apparent to this House. HENRY has been a stalwart defender of the rights of the unborn, and has pushed the Congress to see clearly the impact of its decisions on the defenseless.

I have been honored to serve with HENRY while he was Chairman of the Judiciary Committee, enduring long markups to move the Contract with America legislation, equipping our law enforcement with the tools to fight terrorism, and combating the scourge of drugs in our society.

His amiable personality hides an individual who doesn't shy from a fight, especially for upholding the Constitution, the rule of law, and other interests of the United States.

He is a true giant in this House. His presence next Congress will be missed and I am honored to call him friend.

GENERAL LEAVE

Mr. KIRK. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and in-

clude extraneous material on the matter of my Special Order today.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. BOEHNER (during the Special Order of Mr. KIRK) submitted the following conference report and statement on the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India:

CONFERENCE REPORT (H. REPT. 109-721)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5682), to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

TITLE I—UNITED STATES AND INDIA NUCLEAR COOPERATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006".

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) *preventing the proliferation of nuclear weapons, other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives for United States foreign policy;*

(2) *sustaining the Nuclear Non-Proliferation Treaty (NPT) and strengthening its implementation, particularly its verification and compliance, is the keystone of United States non-proliferation policy;*

(3) *the NPT has been a significant success in preventing the acquisition of nuclear weapons capabilities and maintaining a stable international security situation;*

(4) *countries that have never become a party to the NPT and remain outside that treaty's legal regime pose a potential challenge to the achievement of the overall goals of global non-proliferation, because those countries have not undertaken the NPT obligation to prohibit the spread of nuclear weapons capabilities;*

(5) *it is in the interest of the United States to the fullest extent possible to ensure that those countries that are not States Party to the NPT are responsible in the disposition of any nuclear technology they develop;*

(6) *it is in the interest of the United States to enter into an agreement for nuclear cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) with a country that has never been a State Party to the NPT if—*

(A) *the country has demonstrated responsible behavior with respect to the nonproliferation of*

technology related to nuclear weapons and the means to deliver them;

(B) the country has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent to that of the United States, and is working with the United States on key foreign policy initiatives related to nonproliferation;

(C) such cooperation induces the country to promulgate and implement substantially improved protections against the proliferation of technology related to nuclear weapons and the means to deliver them, and to refrain from actions that would further the development of its nuclear weapons program; and

(D) such cooperation will induce the country to give greater political and material support to the achievement of United States global and regional nonproliferation objectives, especially with respect to dissuading, isolating, and, if necessary, sanctioning and containing states that sponsor terrorism and terrorist groups that are seeking to acquire a nuclear weapons capability or other weapons of mass destruction capability and the means to deliver such weapons;

(7) the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan;

(8) strong bilateral relations with India are in the national interest of the United States;

(9) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(10) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;

(11) such commerce also represents a significant change in United States policy regarding commerce with countries that are not States Party to the NPT, which remains the foundation of the international nonproliferation regime;

(12) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international nonproliferation regimes, including, in particular, the guidelines of the Nuclear Suppliers Group (NSG); and

(13) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

SEC. 103. STATEMENTS OF POLICY.

(a) IN GENERAL.—The following shall be the policies of the United States:

(1) Oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the NPT.

(2) Encourage States Party to the NPT to interpret the right to “develop research, production and use of nuclear energy for peaceful purposes”, as set forth in Article IV of the NPT, as being a right that applies only to the extent that it is consistent with the object and purpose of the NPT to prevent the spread of nuclear weapons and nuclear weapons capabilities, including by refraining from all nuclear cooperation with any State Party that the International Atomic Energy Agency (IAEA) determines is not in full compliance with its NPT obligations, including its safeguards obligations.

(3) Act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the NSG, and decisions related to the those guidelines, and the rules and practices regarding NSG decision-making.

(4) Strengthen the NSG guidelines and decisions concerning consultation by members regarding violations of supplier and recipient understandings by instituting the practice of a timely and coordinated response by NSG mem-

bers to all such violations, including termination of nuclear transfers to an involved recipient, that discourages individual NSG members from continuing cooperation with such recipient until such time as a consensus regarding a coordinated response has been achieved.

(5) Given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, work with members of the NSG, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India.

(6) Seek to prevent the transfer to a country of nuclear equipment, materials, or technology from other participating governments in the NSG or from any other source if nuclear transfers to that country are suspended or terminated pursuant to this title, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other United States law.

(b) WITH RESPECT TO SOUTH ASIA.—The following shall be the policies of the United States with respect to South Asia:

(1) Achieve, at the earliest possible date, a moratorium on the production of fissile material for nuclear explosive purposes by India, Pakistan, and the People's Republic of China.

(2) Achieve, at the earliest possible date, the conclusion and implementation of a treaty banning the production of fissile material for nuclear weapons to which both the United States and India become parties.

(3) Secure India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles of such Initiative;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Control Lists of the Wassenaar Arrangement;

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C); and

(E) ratification of or accession to the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) Secure India's full and active participation in United States efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel, and the means to deliver weapons of mass destruction.

(5) Seek to halt the increase of nuclear weapon arsenals in South Asia and to promote their reduction and eventual elimination.

(6) Ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the United States except pursuant to the Congressional review procedures required under section 131 f. of the Atomic Energy Act of 1954 (42 U.S.C. 2160 (f)).

(7) Pending implementation of the multilateral moratorium described in paragraph (1) or the treaty described in paragraph (2), encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities.

(8) Ensure that any safeguards agreement or Additional Protocol to which India is a party with the IAEA can reliably safeguard any export or reexport to India of any nuclear materials and equipment.

(9) Ensure that the text and implementation of any agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) meet the requirements set forth in subsections a.(1) and a.(3) through a.(9) of such section.

(10) Any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

SEC. 104. WAIVER AUTHORITY AND CONGRESSIONAL APPROVAL.

(a) IN GENERAL.—If the President makes the determination described in subsection (b), the President may—

(1) exempt a proposed agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection a.(2) of such section;

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to exports to India; and

(3) waive with respect to India the application of—

(A) section 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of such Act (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

(b) DETERMINATION BY THE PRESIDENT.—The determination referred to in subsection (a) is a determination by the President that the following actions have occurred:

(1) India has provided the United States and the IAEA with a credible plan to separate civil and military nuclear facilities, materials, and programs, and has filed a declaration regarding its civil facilities and materials with the IAEA.

(2) India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs as declared in the plan described in paragraph (1), including materials used in or produced through the use of India's civil nuclear facilities.

(3) India and the IAEA are making substantial progress toward concluding an Additional Protocol consistent with IAEA principles, practices, and policies that would apply to India's civil nuclear program.

(4) India is working actively with the United States for the early conclusion of a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices.

(5) India is working with and supporting United States and international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants.

(6) India is taking the necessary steps to secure nuclear and other sensitive materials and technology, including through—

(A) the enactment and effective enforcement of comprehensive export control legislation and regulations;

(B) harmonization of its export control laws, regulations, policies, and practices with the guidelines and practices of the Missile Technology Control Regime (MTCR) and the NSG; and

(C) adherence to the MTCR and the NSG in accordance with the procedures of those regimes for unilateral adherence.

(7) The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the appropriate congressional committees the determination made pursuant to subsection (b), together with a report detailing the basis for the determination.

(2) INFORMATION TO BE INCLUDED.—To the fullest extent available to the United States, the report referred to in paragraph (1) shall include the following information:

(A) A summary of the plan provided by India to the United States and the IAEA to separate India's civil and military nuclear facilities, materials, and programs, and the declaration made by India to the IAEA identifying India's civil

facilities to be placed under IAEA safeguards, including an analysis of the credibility of such plan and declaration, together with copies of the plan and declaration.

(B) A summary of the agreement that has been entered into between India and the IAEA requiring the application of safeguards in accordance with IAEA practices to India's civil nuclear facilities as declared in the plan described in subparagraph (A), together with a copy of the agreement, and a description of the progress toward its full implementation.

(C) A summary of the progress made toward conclusion and implementation of an Additional Protocol between India and the IAEA, including a description of the scope of such Additional Protocol.

(D) A description of the steps that India is taking to work with the United States for the conclusion of a multilateral treaty banning the production of fissile material for nuclear weapons, including a description of the steps that the United States has taken and will take to encourage India to identify and declare a date by which India would be willing to stop production of fissile material for nuclear weapons unilaterally or pursuant to a multilateral moratorium or treaty.

(E) A description of the steps India is taking to prevent the spread of nuclear-related technology, including enrichment and reprocessing technology or materials that can be used to acquire a nuclear weapons capability, as well as the support that India is providing to the United States to further United States objectives to restrict the spread of such technology.

(F) A description of the steps that India is taking to secure materials and technology applicable for the development, acquisition, or manufacture of weapons of mass destruction and the means to deliver such weapons through the application of comprehensive export control legislation and regulations, and through harmonization with and adherence to MTCR, NSG, Australia Group, and Wassenaar Arrangement guidelines, compliance with United Nations Security Council Resolution 1540, and participation in the Proliferation Security Initiative.

(G) A description and assessment of the specific measures that India has taken to fully and actively participate in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel and the means to deliver weapons of mass destruction.

(H) A description of the decision of the NSG relating to nuclear cooperation with India, including whether nuclear cooperation by the United States under an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is consistent with the decision, practices, and policies of the NSG.

(I) A description of the scope of peaceful cooperation envisioned by the United States and India that will be implemented under the agreement for nuclear cooperation, including whether such cooperation will include the provision of enrichment and reprocessing technology.

(J) A description of the steps taken to ensure that proposed United States civil nuclear cooperation with India will not in any way assist India's nuclear weapons program.

(d) RESTRICTIONS ON NUCLEAR TRANSFERS.—

(1) **IN GENERAL.**—Pursuant to the obligations of the United States under Article I of the NPT, nothing in this title constitutes authority to carry out any civil nuclear cooperation between the United States and a country that is not a nuclear-weapon State Party to the NPT that would in any way assist, encourage, or induce that country to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices.

(2) **NSG TRANSFER GUIDELINES.**—Notwithstanding the entry into force of an agreement

for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and pursuant to this title, no item subject to such agreement or subject to the transfer guidelines of the NSG, or to NSG decisions related thereto, may be transferred to India if such transfer would be inconsistent with the transfer guidelines of the NSG in effect on the date of the transfer.

(3) TERMINATION OF NUCLEAR TRANSFERS TO INDIA.—

(A) **IN GENERAL.**—Notwithstanding the entry into force of an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and pursuant to this title, and except as provided under subparagraph (B), exports of nuclear and nuclear-related material, equipment, or technology to India shall be terminated if there is any materially significant transfer by an Indian person of—

(i) nuclear or nuclear-related material, equipment, or technology that is not consistent with NSG guidelines or decisions, or

(ii) ballistic missiles or missile-related equipment or technology that is not consistent with MTCR guidelines,

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security.

(B) **EXCEPTION.**—The President may choose not to terminate exports of nuclear and nuclear-related material, equipment, and technology to India under subparagraph (A) if—

(i) the transfer covered under such subparagraph was made without the knowledge of the Government of India;

(ii) at the time of the transfer, either the Government of India did not own, control, or direct the Indian person that made the transfer or the Indian person that made the transfer is a natural person who acted without the knowledge of any entity described in subparagraph (B) or (C) of section 110(5); and

(iii) the President certifies to the appropriate congressional committees that the Government of India has taken or is taking appropriate judicial or other enforcement actions against the Indian person with respect to such transfer.

(4) EXPORTS, REEXPORTS, TRANSFERS, AND RE-TRANSFERS TO INDIA RELATED TO ENRICHMENT, REPROCESSING, AND HEAVY WATER PRODUCTION.—

(A) **IN GENERAL.**—

(i) **NUCLEAR REGULATORY COMMISSION.**—The Nuclear Regulatory Commission may only issue licenses for the export or reexport to India of any equipment, components, or materials related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water if the requirements of subparagraph (B) are met.

(ii) **SECRETARY OF ENERGY.**—The Secretary of Energy may only issue authorizations for the transfer or retransfer to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water (including under the terms of a subsequent arrangement under section 131 of the Atomic Energy Act of 1954 (42 U.S.C. 2160)) if the requirements of subparagraph (B) are met.

(B) **REQUIREMENTS FOR APPROVALS.**—Exports, reexports, transfers, and retransfers referred to in subparagraph (A) may only be approved if—

(i) the end user—

(1) is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities; or

(II) is a facility participating in, and the export, reexport, transfer, or retransfer is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle;

(ii) appropriate measures are in place at any facility referred to in clause (i) to ensure that no

sensitive nuclear technology, as defined in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(5)), will be diverted to any person, site, facility, location, or program not under IAEA safeguards; and

(iii) the President determines that the export, reexport, transfer, or retransfer will not assist in the manufacture or acquisition of nuclear explosive devices or the production of fissile material for military purposes.

(5) NUCLEAR EXPORT ACCOUNTABILITY PROGRAM.—

(A) **IN GENERAL.**—The President shall ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India so as to ensure—

(i) full implementation of the protections required under section 123 a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2153 (a)(1)); and

(ii) United States compliance with Article I of the NPT.

(B) **MEASURES.**—The measures taken pursuant to subparagraph (A) shall include the following:

(i) Obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the Nuclear Regulatory Commission and the Department of Commerce and the authorizing authorities of the Department of Energy, including, as appropriate, conditions regarding end-use monitoring.

(ii) A detailed system of reporting and accounting for technology transfers, including any retransfers in India, authorized by the Department of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)). Such system shall be capable of providing assurances that—

(I) the identified recipients of the nuclear technology are authorized to receive the nuclear technology;

(II) the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and

(III) the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

(iii) In the event the IAEA is unable to implement safeguards as required by an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), appropriate assurance that arrangements will be put in place expeditiously that are consistent with the requirements of section 123 a.(1) of such Act (42 U.S.C. 2153(a)(1)) regarding the maintenance of safeguards as set forth in the agreement regardless of whether the agreement is terminated or suspended for any reason.

(C) **IMPLEMENTATION.**—The measures described in subparagraph (B) shall be implemented to provide reasonable assurances that the recipient is complying with the relevant requirements, terms, and conditions of any licenses issued by the United States regarding such exports, including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports.

(e) **JOINT RESOLUTION OF APPROVAL REQUIREMENT.**—Section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) is amended in the second proviso by inserting after "that subsection" the following: " , or an agreement exempted pursuant to section 104(a)(1) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006, ".

(f) **SUNSET.**—The authority provided under subsection (a)(1) to exempt an agreement shall terminate upon the enactment of a joint resolution under section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) approving such an agreement.

(g) REPORTING TO CONGRESS.—

(1) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including—

(A) any material noncompliance on the part of the Government of India with—

(i) the nonproliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India;

(ii) the separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006;

(iii) a safeguards agreement between the Government of India and the IAEA;

(iv) an Additional Protocol between the Government of India and the IAEA;

(v) an agreement for cooperation between the Government of India and the United States Government arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or any subsequent arrangement under section 131 of such Act (42 U.S.C. 2160);

(vi) the terms and conditions of any approved licenses regarding the export or reexport of nuclear material or dual-use material, equipment, or technology; and

(vii) United States laws and regulations regarding such licenses;

(B) the construction of a nuclear facility in India after the date of the enactment of this title;

(C) significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced; and

(D) changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

(2) IMPLEMENTATION AND COMPLIANCE REPORT.—Not later than 180 days after the date on which an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) enters into force, and annually thereafter, the President shall submit to the appropriate congressional committees a report including—

(A) a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards;

(B) a comprehensive listing of—

(i) all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations;

(ii) any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear nonproliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulation, or any successor regulation;

(iii) any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and

(iv) with respect to each such license or other form of authorization described in clauses (i), (ii), and (iii)—

(I) the number or other identifying information of each license or authorization;

(II) the name or names of the authorized end user or end users;

(III) the name of the site, facility, or location in India to which the export or reexport was made;

(IV) the terms and conditions included on such licenses and authorizations;

(V) any post-shipment verification procedures that will be applied to such exports or reexports; and

(VI) the term of validity of each such license or authorization;

(C) a description of any significant nuclear commerce between India and other countries, including any such trade that—

(i) is not consistent with applicable guidelines or decisions of the NSG; or

(ii) would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin;

(D) either—

(i) an assessment that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced in clauses (i) through (vi) of paragraph (1)(A); or

(ii) an identification and analysis of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including—

(I) the measures the United States Government has taken to remedy or otherwise respond to such compliance issues;

(II) the responses of the Government of India to such measures;

(III) the measures the United States Government plans to take to this end in the coming year; and

(IV) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India remains in the national security interest of the United States;

(E)(i) an assessment of whether India is fully and actively participating in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability (including the capability to enrich uranium or reprocess nuclear fuel), and the means to deliver weapons of mass destruction, including a description of the specific measures that India has taken in this regard; and

(ii) if India is not assessed to be fully and actively participating in such efforts, a description of—

(I) the measures the United States Government has taken to secure India's full and active participation in such efforts;

(II) the responses of the Government of India to such measures; and

(III) the measures the United States Government plans to take in the coming year to secure India's full and active participation;

(F) an analysis of whether United States civil nuclear cooperation with India is in any way assisting India's nuclear weapons program, including through—

(i) the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons related complex;

(ii) the replication and subsequent use of any United States technology by India in an unsafeguarded nuclear facility or unsafeguarded nuclear weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and

(iii) the provision of nuclear fuel in such a manner as to facilitate the increased production by India of highly enriched uranium or plutonium in unsafeguarded nuclear facilities;

(G) a detailed description of—

(i) United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, limiting, and reducing their fissile material stockpiles, including stockpiles for military purposes, pending creation of a worldwide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty;

(ii) the responses of India and Pakistan to such efforts; and

(iii) assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the objectives in clause (i), consistent with its obligations under international law and existing agreements;

(H) an estimate of—

(i) the amount of uranium mined and milled in India during the previous year;

(ii) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(iii) the rate of production in India of—

(I) fissile material for nuclear explosive devices; and

(II) nuclear explosive devices;

(I) an estimate of the amount of electricity India's nuclear reactors produced for civil purposes during the previous year and the proportion of such production that can be attributed to India's declared civil reactors;

(J) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices;

(K) a detailed description of efforts and progress made toward the achievement of India's—

(i) full participation in the Proliferation Security Initiative;

(ii) formal commitment to the Statement of Interdiction Principles of such Initiative;

(iii) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(iv) effective implementation of the decision described in clause (iii); and

(L) the disposal during the previous year of spent nuclear fuel from India's civilian nuclear program, and any plans or activities relating to future disposal of such spent nuclear fuel.

(3) SUBMITTAL WITH OTHER ANNUAL REPORTS.—

(A) REPORT ON PROLIFERATION PREVENTION.—Each annual report submitted under paragraph (2) after the initial report may be submitted together with the annual report on proliferation prevention required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)).

(B) REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION.—The information required to be submitted under paragraph (2)(F) after the initial report may be submitted together with the annual report on progress toward regional nonproliferation required under section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)).

(4) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may contain a classified annex.

SEC. 105. UNITED STATES COMPLIANCE WITH ITS NUCLEAR NONPROLIFERATION TREATY OBLIGATIONS.

Nothing in this title constitutes authority for any action in violation of an obligation of the United States under the NPT.

SEC. 106. INOPERABILITY OF DETERMINATION AND WAIVERS.

A determination and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this title.

SEC. 107. MTCR ADHERENT STATUS.

Congress finds that India is not an MTCR adherent for the purposes of section 73 of the Arms Export Control Act (22 U.S.C. 2797b).

SEC. 108. TECHNICAL AMENDMENT.

Section 1112(c)(4) of the Arms Control and Nonproliferation Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 10609113 and contained in appendix G of that Act; 113 Stat. 150109486)) is amended—

(1) in subparagraph (B), by striking “and” after the semicolon at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) so much of the reports required under section 104 of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 as relates to verification or compliance matters; and”.

SEC. 109. UNITED STATES-INDIA SCIENTIFIC CO-OPERATIVE NUCLEAR NON-PROLIFERATION PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, is authorized to establish a cooperative nuclear nonproliferation program to pursue jointly with scientists from the United States and India a program to further common nuclear nonproliferation goals, including scientific research and development efforts, with an emphasis on nuclear safeguards (in this section referred to as “the program”).

(b) **CONSULTATION.**—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) **NATIONAL ACADEMIES RECOMMENDATIONS.**—

(1) **IN GENERAL.**—The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) **RECOMMENDATIONS.**—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) **PUBLIC AVAILABILITY.**—The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) **CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.**—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

SEC. 110. DEFINITIONS.

In this title:

(1) The term “Additional Protocol” means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540.

(2) The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The term “dual-use material, equipment, or technology” means material, equipment, or technology that may be used in nuclear or non-nuclear applications.

(4) The term “IAEA safeguards” has the meaning given the term in section 830(3) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(3)).

(5) The term “Indian person” means—

(A) a natural person that is a citizen of India or is subject to the jurisdiction of the Government of India;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of India or has its principal place of business in India; and

(C) any Indian governmental entity, including any governmental entity operating as a business enterprise.

(6) The terms “Missile Technology Control Regime”, “MTCR”, and “MTCR adherent” have the meanings given the terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(7) The term “nuclear materials and equipment” means source material, special nuclear material, production and utilization facilities and any components thereof, and any other

items or materials that are determined to have significance for nuclear explosive purposes pursuant to subsection 109 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2139(b)).

(8) The terms “Nuclear Non-Proliferation Treaty” and “NPT” mean the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(9) The terms “Nuclear Suppliers Group” and “NSG” refer to a group, which met initially in 1975 and has met at least annually since 1992, of Participating Governments that have promulgated and agreed to adhere to Guidelines for Nuclear Transfers (currently IAEA INFCIRC/254/Rev.8/Part 1) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology (currently IAEA INFCIRC/254/Rev.7/Part 2).

(10) The terms “nuclear weapon” and “nuclear explosive device” mean any device designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one point of trinitrotoluene (TNT).

(11) The term “process” includes the term “reprocess”.

(12) The terms “reprocessing” and “reprocess” refer to the separation of irradiated nuclear materials and fission products from spent nuclear fuel.

(13) The term “sensitive nuclear technology” means any information, including information incorporated in a production or utilization facility or important component part thereof, that is not available to the public and which is important to the design, construction, fabrication, operation, or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water.

(14) The term “source material” has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(15) The term “special nuclear material” has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(16) The term “unsafeguarded nuclear fuel-cycle activity” means research on, or development, design, manufacture, construction, operation, or maintenance of—

(A) any existing or future reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation with respect to which there is no obligation to accept IAEA safeguards at the relevant reactor, facility, plant, or installation that contains source or special fissionable material; or

(B) any existing or future heavy water production plant with respect to which there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom.

TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

SEC. 201. SHORT TITLE.

This title may be cited as the “United States Additional Protocol Implementation Act”.

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) The proliferation of nuclear weapons and other nuclear explosive devices poses a grave threat to the national security of the United States and its vital national interests.

(2) The Nuclear Non-Proliferation Treaty has proven critical to limiting such proliferation.

(3) For the Nuclear Non-Proliferation Treaty to be effective, each of the non-nuclear-weapon State Parties must conclude a comprehensive safeguards agreement with the IAEA, and such agreements must be honored and enforced.

(4) Recent events emphasize the urgency of strengthening the effectiveness and improving

the efficiency of the safeguards system. This can best be accomplished by providing IAEA inspectors with more information about, and broader access to, nuclear activities within the territory of non-nuclear-weapon State Parties.

(5) The proposed scope of such expanded information and access has been negotiated by the member states of the IAEA in the form of a Model Additional Protocol to its existing safeguards agreements, and universal acceptance of Additional Protocols by non-nuclear weapons states is essential to enhancing the effectiveness of the Nuclear Non-Proliferation Treaty.

(6) On June 12, 1998, the United States, as a nuclear-weapon State Party, signed an Additional Protocol that is based on the Model Additional Protocol, but which also contains measures, consistent with its existing safeguards agreements with its members, that protect the right of the United States to exclude the application of IAEA safeguards to locations and activities with direct national security significance or to locations or information associated with such activities.

(7) Implementation of the Additional Protocol in the United States in a manner consistent with United States obligations under the Nuclear Non-Proliferation Treaty may encourage other parties to the Nuclear Non-Proliferation Treaty, especially non-nuclear-weapon State Parties, to conclude Additional Protocols and thereby strengthen the Nuclear Non-Proliferation Treaty safeguards system and help reduce the threat of nuclear proliferation, which is of direct and substantial benefit to the United States.

(8) Implementation of the Additional Protocol by the United States is not required and is completely voluntary given its status as a nuclear-weapon State Party, but the United States has acceded to the Additional Protocol to demonstrate its commitment to the nuclear nonproliferation regime and to make United States civil nuclear activities available to the same IAEA inspections as are applied in the case of non-nuclear-weapon State Parties.

(9) In accordance with the national security exclusion contained in Article 1.b of its Additional Protocol, the United States will not allow any inspection activities, nor make any declaration of any information with respect to, locations, information, and activities of direct national security significance to the United States.

(10) Implementation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representative to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.

SEC. 203. DEFINITIONS.

In this title:

(1) **ADDITIONAL PROTOCOL.**—The term “Additional Protocol”, when used in the singular form, means the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna June 12, 1998 (T. Doc. 107-097).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on International Relations, the Committee on Science, and the Committee on Appropriations of the House of Representatives.

(3) **COMPLEMENTARY ACCESS.**—The term “complementary access” means the exercise of the IAEA’s access rights as set forth in Articles 4 to 6 of the Additional Protocol.

(4) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given such term in section 105 of title 5, United States Code.

(5) **FACILITY.**—The term “facility” has the meaning set forth in Article 18i. of the Additional Protocol.

(6) IAEA.—The term “IAEA” means the International Atomic Energy Agency.

(7) JUDGE OF THE UNITED STATES.—The term “judge of the United States” means a United States district judge, or a United States magistrate judge appointed under the authority of chapter 43 of title 28, United States Code.

(8) LOCATION.—The term “location” means any geographic point or area declared or identified by the United States or specified by the International Atomic Energy Agency.

(9) NUCLEAR NON-PROLIFERATION TREATY.—The term “Nuclear Non-Proliferation Treaty” means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(10) NUCLEAR-WEAPON STATE PARTY AND NON-NUCLEAR-WEAPON STATE PARTY.—The terms “nuclear-weapon State Party” and “non-nuclear-weapon State Party” have the meanings given such terms in the Nuclear Non-Proliferation Treaty.

(11) PERSON.—The term “person”, except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality, or political subdivision of any such government or nation, or other entity located in the United States.

(12) SITE.—The term “site” has the meaning set forth in Article 18b. of the Additional Protocol.

(13) UNITED STATES.—The term “United States”, when used as a geographic reference, means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) the territorial sea and the overlying airspace;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (41), respectively, of section 40102(a) of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(14) WIDE-AREA ENVIRONMENTAL SAMPLING.—The term “wide-area environmental sampling” has the meaning set forth in Article 18g. of the Additional Protocol.

SEC. 204. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Subtitle A—General Provisions

SEC. 211. AUTHORITY.

(a) IN GENERAL.—The President is authorized to implement and carry out the provisions of this title and the Additional Protocol and shall designate through Executive order which executive agency or agencies of the United States, which may include but are not limited to the Department of State, the Department of Defense, the Department of Justice, the Department of Commerce, the Department of Energy, and the Nuclear Regulatory Commission, shall issue or amend and enforce regulations in order to implement this title and the provisions of the Additional Protocol.

(b) INCLUDED AUTHORITY.—For any executive agency designated under subsection (a) that does not currently possess the authority to conduct site vulnerability assessments and related activities, the authority provided in subsection (a) includes such authority.

(c) EXCEPTION.—The authority described in subsection (b) does not supersede or otherwise modify any existing authority of any Federal department or agency already having such authority.

Subtitle B—Complementary Access

SEC. 221. REQUIREMENT FOR AUTHORITY TO CONDUCT COMPLEMENTARY ACCESS.

(a) PROHIBITION.—No complementary access to any location in the United States shall take place pursuant to the Additional Protocol without the authorization of the United States Government in accordance with the requirements of this title.

(b) AUTHORITY.—

(1) IN GENERAL.—Complementary access to any location in the United States subject to access under the Additional Protocol is authorized in accordance with this title.

(2) UNITED STATES REPRESENTATIVES.—

(A) RESTRICTIONS.—In the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency or of the Mine Safety and Health Administration or the Occupational Safety and Health Administration of the Department of Labor may participate in the access.

(B) NUMBER.—The number of designated United States representatives accompanying IAEA inspectors shall be kept to the minimum necessary.

SEC. 222. PROCEDURES FOR COMPLEMENTARY ACCESS.

(a) IN GENERAL.—Each instance of complementary access to a location in the United States under the Additional Protocol shall be conducted in accordance with this subtitle.

(b) NOTICE.—

(1) IN GENERAL.—Complementary access referred to in subsection (a) may occur only upon the issuance of an actual written notice by the United States Government to the owner, operator, occupant, or agent in charge of the location to be subject to complementary access.

(2) TIME OF NOTIFICATION.—The notice under paragraph (1) shall be submitted to such owner, operator, occupant, or agent as soon as possible after the United States Government has received notification that the IAEA seeks complementary access. Notices may be posted prominently at the location if the United States Government is unable to provide actual written notice to such owner, operator, occupant, or agent.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice required by paragraph (1) shall specify—

(i) the purpose for the complementary access;

(ii) the basis for the selection of the facility, site, or other location for the complementary access sought;

(iii) the activities that will be carried out during the complementary access;

(iv) the time and date that the complementary access is expected to begin, and the anticipated period covered by the complementary access; and

(v) the names and titles of the inspectors.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided each time that complementary access is sought by the IAEA.

(c) CREDENTIALS.—The complementary access team of the IAEA and representatives or designees of the United States Government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the location before gaining entry in connection with complementary access.

(d) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 223, and subject to the rights of the United States Government under the Additional Protocol to limit complementary access, complementary access to a location pursuant to this title may extend to all activities specifically permitted for such locations under Article 6 of the Additional Protocol.

(2) EXCEPTION.—Unless required by the Additional Protocol, no inspection under this title shall extend to—

(A) financial data (other than production data);

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) patent data;

(F) data maintained for compliance with environmental or occupational health and safety regulations; or

(G) research data.

(e) ENVIRONMENT, HEALTH, SAFETY, AND SECURITY.—In carrying out their activities, members of the IAEA complementary access team and representatives or designees of the United States Government shall observe applicable environmental, health, safety, and security regulations established at the location subject to complementary access, including those for protection of controlled environments within a facility and for personal safety.

SEC. 223. CONSENTS, WARRANTS, AND COMPLEMENTARY ACCESS.

(a) IN GENERAL.—

(1) PROCEDURE.—

(A) CONSENT.—Except as provided in paragraph (2), an appropriate official of the United States Government shall seek or have the consent of the owner, operator, occupant, or agent in charge of a location prior to entering that location in connection with complementary access pursuant to sections 221 and 222. The owner, operator, occupant, or agent in charge of the location may withhold consent for any reason or no reason.

(B) ADMINISTRATIVE SEARCH WARRANT.—In the absence of consent, the United States Government may seek an administrative search warrant from a judge of the United States under subsection (b). Proceedings regarding the issuance of an administrative search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(2) EXPEDITED ACCESS.—For purposes of obtaining access to a location pursuant to Article 4b.(ii) of the Additional Protocol in order to satisfy United States obligations under the Additional Protocol when notice of two hours or less is required, the United States Government may gain entry to such location in connection with complementary access, to the extent such access is consistent with the Fourth Amendment to the United States Constitution, without obtaining either a warrant or consent.

(b) ADMINISTRATIVE SEARCH WARRANTS FOR COMPLEMENTARY ACCESS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For complementary access conducted in the United States pursuant to the Additional Protocol, and for which the acquisition of a warrant is required, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to such judge all appropriate information regarding the basis for the selection of the facility, site, or other location to which complementary access is sought.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—A judge of the United States shall promptly issue an administrative search warrant authorizing the requested complementary access upon an affidavit submitted by the United States Government—

(A) stating that the Additional Protocol is in force;

(B) stating that the designated facility, site, or other location is subject to complementary access under the Additional Protocol;

(C) stating that the purpose of the complementary access is consistent with Article 4 of the Additional Protocol;

(D) stating that the requested complementary access is in accordance with Article 4 of the Additional Protocol;

(E) containing assurances that the scope of the IAEA's complementary access, as well as what it may collect, shall be limited to the access provided for in Article 6 of the Additional Protocol;

(F) listing the items, documents, and areas to be searched and seized;

(G) stating the earliest commencement and the anticipated duration of the complementary access period, as well as the expected times of day during which such complementary access will take place; and

(H) stating that the location to which entry in connection with complementary access is sought was selected either—

(i) because there is probable cause, on the basis of specific evidence, to believe that information required to be reported regarding a location pursuant to regulations promulgated under this title is incorrect or incomplete, and that the location to be accessed contains evidence regarding that violation; or

(ii) pursuant to a reasonable general administrative plan based upon specific neutral criteria.

(3) **CONTENT OF WARRANTS.**—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition, each warrant shall contain the identities of the representatives of the IAEA on the complementary access team and the identities of the representatives or designees of the United States Government required to display identifying credentials under section 222(c).

SEC. 224. PROHIBITED ACTS RELATING TO COMPLEMENTARY ACCESS.

It shall be unlawful for any person willfully to fail or refuse to permit, or to disrupt, delay, or otherwise impede, a complementary access authorized by this subtitle or an entry in connection with such access.

Subtitle C—Confidentiality of Information

SEC. 231. PROTECTION OF CONFIDENTIALITY OF INFORMATION.

Information reported to, or otherwise acquired by, the United States Government under this title or under the Additional Protocol shall be exempt from disclosure under section 552 of title 5, United States Code.

Subtitle D—Enforcement

SEC. 241. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by any regulation prescribed under this title;

(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or

(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.

SEC. 242. PENALTIES.

(a) **CIVIL.**—

(1) **PENALTY AMOUNTS.**—Any person that is determined, in accordance with paragraph (2), to have violated section 224 or section 241 shall be required by order to pay a civil penalty in an amount not to exceed \$25,000 for each violation. For the purposes of this paragraph, each day during which a violation of section 224 continues shall constitute a separate violation of that section.

(2) **NOTICE AND HEARING.**—

(A) **IN GENERAL.**—Before imposing a penalty against a person under paragraph (1), the head of an executive agency designated under section 211(a) shall provide the person with notice of the order. If, within 15 days after receiving the notice, the person requests a hearing, the head of the designated executive agency shall initiate a hearing on the violation.

(B) **CONDUCT OF HEARING.**—Any hearing so requested shall be conducted before an administrative judge. The hearing shall be conducted in

accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the order imposed by the head of the designated agency shall constitute a final agency action.

(C) **ISSUANCE OF ORDERS.**—If the administrative judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 224 or section 241, the administrative judge shall state the findings of fact and conclusions of law, and issue and serve on such person an order described in paragraph (1).

(D) **FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.**—In determining the amount of any civil penalty, the administrative judge or the head of the designated agency shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(E) **CONTENT OF NOTICE.**—For the purposes of this paragraph, notice shall be in writing and shall be verifiably served upon the person or persons subject to an order described in paragraph (1). In addition, the notice shall—

(i) set forth the time, date, and specific nature of the alleged violation or violations; and

(ii) specify the administrative and judicial remedies available to the person or persons subject to the order, including the availability of a hearing and subsequent appeal.

(3) **ADMINISTRATIVE APPELLATE REVIEW.**—The decision and order of an administrative judge shall be the recommended decision and order and shall be referred to the head of the designated executive agency for final decision and order. If, within 60 days, the head of the designated executive agency does not modify or vacate the decision and order, it shall become a final agency action under this subsection.

(4) **JUDICIAL REVIEW.**—A person adversely affected by a final order may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or in the Court of Appeals for the district in which the violation occurred.

(5) **ENFORCEMENT OF FINAL ORDERS.**—

(A) **IN GENERAL.**—If a person fails to comply with a final order issued against such person under this subsection and—

(i) the person has not filed a petition for judicial review of the order in accordance with paragraph (4), or

(ii) a court in an action brought under paragraph (4) has entered a final judgment in favor of the designated executive agency,

the head of the designated executive agency shall commence a civil action to seek compliance with the final order in any appropriate district court of the United States.

(B) **NO REVIEW.**—In any such civil action, the validity and appropriateness of the final order shall not be subject to review.

(C) **INTEREST.**—Payment of penalties assessed in a final order under this section shall include interest at currently prevailing rates calculated from the date of expiration of the 60-day period referred to in paragraph (3) or the date of such final order, as the case may be.

(b) **CRIMINAL.**—Any person who violates section 224 or section 241 may, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than five years, or both.

SEC. 243. SPECIFIC ENFORCEMENT.

(a) **JURISDICTION.**—The district courts of the United States shall have jurisdiction over civil actions brought by the head of an executive agency designated under section 211(a)—

(1) to restrain any conduct in violation of section 224 or section 241; or

(2) to compel the taking of any action required by or under this title or the Additional Protocol.

(b) **CIVIL ACTIONS.**—

(1) **IN GENERAL.**—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 224 or section 241 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) **SERVICE OF PROCESS.**—In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.

Subtitle E—Environmental Sampling

SEC. 251. NOTIFICATION TO CONGRESS OF IAEA BOARD APPROVAL OF WIDE-AREA ENVIRONMENTAL SAMPLING.

(a) **IN GENERAL.**—Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.

(b) **CONTENT.**—The notification under subsection (a) shall contain—

(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;

(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and

(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.

SEC. 252. APPLICATION OF NATIONAL SECURITY EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.

SEC. 253. APPLICATION OF NATIONAL SECURITY EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of location-specific environmental sampling is necessary to increase the

capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) with respect to the proposed use of environmental sampling, the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving location-specific environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.

SEC. 254. RULE OF CONSTRUCTION.

As used in this subtitle, the term “necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party” shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by—

(1) setting a good example of cooperation in the conduct of such sampling; or

(2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.

Subtitle F—Protection of National Security Information and Activities

SEC. 261. PROTECTION OF CERTAIN INFORMATION.

(a) LOCATIONS AND FACILITIES OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.

(b) INFORMATION OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No information of direct national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.

(c) RESTRICTED DATA.—Nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular “Restricted Data” as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).

(d) CLASSIFIED INFORMATION.—Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations,

facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

Subtitle G—Reports

SEC. 271. REPORT ON INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to declare to the IAEA, and a report thereon.

SEC. 272. REPORT ON REVISIONS TO INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration, and a report thereon.

SEC. 273. CONTENT OF REPORTS ON UNITED STATES DECLARATIONS.

The reports required under section 271 and section 272 shall present the reasons for each site, location, facility, and activity being declared or being removed from the declaration list and shall certify that—

(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

SEC. 274. REPORT ON EFFORTS TO PROMOTE THE IMPLEMENTATION OF ADDITIONAL PROTOCOLS.

Not later than 180 days after the entry into force of the Additional Protocol, the President shall submit to the appropriate congressional committees a report on—

(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and

(2) assistance that has been or should be provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations, with a plan for providing any needed additional funding.

SEC. 275. NOTICE OF IAEA NOTIFICATIONS.

The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

Subtitle H—Authorization of Appropriations

SEC. 281. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title. And the Senate agree to the same.

HENRY HYDE,
JOHN BOEHNER,
TOM LANTOS,

Managers on the Part of the House.

RICHARD G. LUGAR,
CHUCK HAGEL,
GEORGE ALLEN,
BILL FRIST,
JOE BIDEN,
CHRIS DODD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two House on the

amendment of the Senate to the bill (H.R. 5682), to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

BACKGROUND AND NEED FOR THE LEGISLATION

With the fading of the Cold War’s global divisions and the rise of new challenges such as globalization and trans-national terrorism, there is increasing recognition in both the United States and in India that significant benefits may be obtained from closer cooperation across a broad spectrum of activities and policies. These range from shared strategic interests, such as enhanced stability and security in South Asia and the international system as a whole, to more specific priorities, including greater effectiveness in combating the AIDS epidemic, combating terrorism, and preventing the proliferation of weapons of mass destruction, among others.

To that end, on July 18, 2005, President Bush and Indian Prime Minister Manmohan Singh issued a joint statement announcing a “global partnership” between the two countries. The Joint Statement covered a range of issues and common interests, including the re-establishment of civil nuclear commerce between the United States and India.

In the Joint Statement, India committed to placing more of its civil nuclear facilities under International Atomic Energy Agency (IAEA) safeguards in perpetuity, signing and adhering to an Additional Protocol with respect to civilian nuclear facilities, working with the United States for the conclusion of a multilateral Fissile Material Cutoff Treaty, refraining from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread, ensuring that the necessary steps have been taken to secure nuclear materials and technology through comprehensive export control legislation and through harmonization and adherence to Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines, and continuing its moratorium on further nuclear testing.

For the United States, President Bush committed that he would “work to achieve full civil nuclear energy cooperation with India as it realizes its goals of promoting nuclear power and achieving energy security” and to “seek agreement from Congress to adjust U.S. laws and policies” to permit that cooperation. President Bush also promised to “work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur.”

The Administration’s proposed legislation envisioned Congress granting the President the authority to waive certain provisions of the Atomic Energy Act of 1954 (AEA) that contain restrictions on cooperation that the

Administration deemed to be impediments to conducting civil nuclear cooperation with India. Section 123 a.(2) of the AEA requires that a non-nuclear weapon state have IAEA safeguards on all nuclear material in all peaceful nuclear activities in that state, under its jurisdiction, or carried out under its control anywhere (commonly referred to as “full-scope safeguards”) as a condition of continued United States nuclear supply and approval for new nuclear cooperation agreements, a requirement that India does not meet and, as a state with nuclear weapons, would be unlikely to meet for the foreseeable future. Section 128 requires a non-nuclear weapon state (under the NPT, which recognizes only five “Nuclear Weapon States”—Russia, France, China, the United Kingdom, and the United States) to have full-scope safeguards as a prerequisite for receiving U.S. civil nuclear exports. Finally, Section 129 requires the termination of nuclear exports if a non-nuclear weapon state has, among other things, tested nuclear weapons after 1978, which India did in 1998. There are waivers available to the President for these provisions in existing law. But the standard for such waivers is very high.

In addition, international civil nuclear commerce is restricted pursuant to the Guidelines for Nuclear Transfers of the Nuclear Suppliers Group. NSG Guidelines permit such trade with countries only when the receiving State has brought into force an agreement with the IAEA requiring the application of safeguards on all source and special fissionable material in its current and future peaceful activities.

The Administration’s proposed legislation would have given the President the authority to permanently waive these provisions for India, subject to the President’s determination that India had achieved certain benchmarks, such as engaging in negotiations with the IAEA on a safeguards agreement and that the NSG has agreed to provide an exemption for India to allow its participating states to export civil nuclear materials, equipment, and technology to India.

Under existing law, a nuclear cooperation agreement with a country that does have full-scope safeguards and that satisfies other criteria under 123a. of the AEA would come into force 90 days after its submission for congressional review unless a resolution of disapproval were passed in both Houses. In practice, it is very difficult to secure passage of such resolutions because a veto by the President of the joint resolution would require a two-thirds vote in both Houses to override.

By contrast, nuclear cooperation agreements with countries, such as India, that do not satisfy all the conditions of 123a, such as full-scope safeguards, can come into effect only if both Houses of Congress pass a joint resolution of approval within 90 days. If either chamber does not approve the resolution, the agreement does not enter into force.

The Administration’s legislative proposal sought to avoid this latter procedure by providing for a process of congressional consideration of a 123 agreement with India such as that reserved for countries that do have full-scope safeguards. In that event, a nuclear cooperation agreement with India would come into force automatically unless both Houses of Congress passed a joint resolution of disapproval. In effect, the Administration’s proposal would have given it excessive latitude in negotiating a nuclear cooperation agreement with India, leaving Congress with little ability to influence the terms of that agreement, regardless of any concerns it might have.

Both the House International Relations Committee and the Senate Foreign Rela-

tions Committee rejected this approach, believing that the Administration’s proposal did not provide for appropriate congressional oversight over what was, by any measure, an unprecedented nuclear cooperative relationship with India. Both committees were troubled by the lack of consultation by the Administration with Congress before the July 18, 2005 Joint Statement and the March 2006 U.S.-India Declaration (in which the terms by which India would separate its civil and military nuclear facilities and further commitments by the United States were announced).

Consequently, both committees introduced legislation that, while informed by the Administration’s proposal, reverts to existing procedures laid out in the AEA for approval of 123 agreements that do not meet the criteria of section 123 a. The Conference agreement grants the President the ability to waive the aforementioned sections of the AEA for a future U.S.-India agreement for civil nuclear cooperation. However, any such agreement cannot enter into force until it has been submitted to the Congress, along with a completed IAEA-India safeguards agreement and other documents and Presidential determinations such as a Nuclear Proliferation Assessment (required by the AEA and by this legislation, as detailed the section-by-section review of this report), and approved by both Houses according to the existing procedures of Section 130(i) of the AEA. Furthermore, the Administration’s ability to waive existing provisions of section 129 of the AEA, which mandates the termination of U.S. civil nuclear exports to a country if that country tests a nuclear explosive device, terminates or abrogates IAEA safeguards, materially violates an IAEA safeguards agreement, or engages in other activities related to nuclear proliferation, is limited to any such activities India engaged in prior to July 18, 2005. Any such future activity by India would invoke Section 129, subject to the waiver provisions already available to the President in existing law. Thus, the Conference agreement provides that for other conduct that, under section 129, would result in termination of cooperation, that section would continue to apply. If India were to terminate or abrogate IAEA safeguards (129(1)(B)), materially violate IAEA safeguards (129(1)(C)), violate an agreement for cooperation with the United States (129(2)(A)), encourage a non-nuclear weapon state to engage in proliferation activities involving source and special nuclear material (129(2)(B)), or engage in unauthorized proliferation of reprocessing technology (129(2)(C)), the Conference agreement would terminate cooperation. The Administration’s bill would have made section 129 inapplicable to such future actions on the part of India.

As further clarified in the section-by-section analysis included in this report, the conferees believe that there should be no ambiguity regarding the legal and policy consequences of any future Indian test of a nuclear explosive device. In that event, the President must terminate all export and re-export of U.S.-origin nuclear materials, nuclear equipment, and sensitive nuclear technology to India. The conferees expect the President to make full and immediate use of U.S. rights to demand the return of all nuclear-related items, materials, and sensitive nuclear technology that have been exported or reexported to India if India were to test or detonate, or otherwise cause the test or detonation of, a nuclear explosive device for any reason, including such instances in which India describes its actions as being “for peaceful purposes.” This legal condition is further strengthened in the Conference agreement beyond section 129 of the AEA by a provision that the waiver authority in this

legislation terminates with any Indian test. The conferees believe that termination would include the suspension and revocation of any current or pending export or reexport licenses, and that the return of U.S.-origin items and materials should extend to any special nuclear material produced by India through the use of any nuclear materials, equipment, or sensitive nuclear technology exported or reexported to India by the United States.

The prohibition concerning a recipient country not engaging in activities involving source or special nuclear material under Section 129 are permanently waived for India, as India will undoubtedly continue to produce fissile material, until such time after it is able to fulfill its commitment in the July 18, 2005, Joint Statement to work with the United States toward conclusion of a future Fissile Material Cut-off Treaty.

H.R. 5682 reflects the widely held view in both the House and the Senate that peaceful nuclear cooperation with India can serve multiple U.S. foreign policy and national security objectives but that this must be secured in a manner that minimizes potential risks to the global nonproliferation regime. Among the most important considerations are ensuring that NSG guidelines and consensus decision-making are upheld and that a U.S. nuclear cooperation agreement and subsequent U.S. nuclear exports are consistent with the decisions, policies, and guidelines of the NSG. The conferees note that the converse is equally important, namely that the United States must ensure that any decision that the NSG makes regarding granting an exemption for nuclear commerce does not disadvantage U.S. industry by setting less strict conditions for countries trading with India than those embodied in the conditions and requirements of this Act. Since the NSG operates by consensus, the United States possesses the necessary leverage to ensure a favorable outcome, and the conference agreement reflects this view.

The bill requires, as a condition for the President to exercise his waiver authority, that the NSG agree by consensus to an exception to its guidelines specifically for India and that no U.S. exports may be transferred to India that do not comport with NSG guidelines and decisions. Equally important is the need to ensure that U.S. cooperation does not assist the Indian nuclear weapons program, directly or indirectly, in order to avoid contributing to a nuclear arms race in South Asia and in accordance with U.S. obligations under the NPT.

As in the Administration’s proposed legislation, H.R. 5682 requires the President to determine that India is upholding its July 18, 2005, commitments as a prerequisite for using his waiver authority. The conferees believe that India’s continued implementation of those commitments is central to the integrity of our bilateral relationship. Therefore, the bill contains reporting requirements and a provision that calls for termination of exports in the event of violations of certain commitments. In addition, the bill seeks to uphold existing statutory congressional oversight of U.S. nuclear cooperation and exports. At a time when many countries are considering nuclear energy as a viable and desirable alternative to carbon-based energy sources, careful oversight of its expansion is crucial.

The establishment of a “global partnership” with India is among the most important strategic diplomatic initiatives undertaken by this Administration. This partnership, along with the extensive set of cooperative agreements that accompany it, embraces a long-term outlook that seeks to strengthen U.S. foreign policy and enhance global stability.

The House International Relations Committee and the Senate Foreign Relations Committee studied carefully the implications of the proposed agreement for non-proliferation policy. Both committees were concerned about the precedent this exception for India could establish and worked to ensure that this agreement does not undercut U.S. compliance with its responsibilities under the NPT. As a result of these efforts, each committee's bill was approved overwhelmingly by its respective chamber.

The conferees believe that the conference agreement achieves a proper balance among competing priorities and concerns and will help solidify New Delhi's commitments to implement strong export controls, separate its civilian nuclear infrastructure from its weapons program, and place additional civilian facilities under IAEA safeguards. An agreement for peaceful nuclear cooperation with India approved by Congress according to the procedures and conditions of this conference report would be a powerful incentive for India to cooperate more closely with the United States in stopping proliferation and to abstain from further nuclear weapons tests.

The Administration's decision to establish an increasingly close relationship with this country of enormous potential, and its declaration that the U.S. welcomes India's advancement as a major economic and political player on the world stage represents a new and significant strategic opportunity to advance U.S. goals. Given that India already possesses a vibrant democracy, a rapidly growing economy, and a well-educated middle class greater than the entire U.S. population, it can serve as an engine of global economic growth. Its increasing economic, military, and political power may also contribute significantly to promoting stability in South Asia and other regions.

India has the potential to become a valued partner in countering the rise of extremism around the world as both countries can cooperate to promote religious pluralism, tolerance, and democratic freedoms. As a country with well-entrenched democratic traditions and the world's second largest Muslim population, India can set an example of a multi-religious and multi-cultural democracy in an otherwise volatile region.

The conferees believe that the conference agreement will help solidify India's commitments to implement strong export controls, separate its civilian nuclear infrastructure from its weapons program, and place additional civilian facilities under IAEA safeguards. An agreement for peaceful nuclear cooperation with India approved by Congress according to the procedures and conditions of this conference report would be a powerful incentive for India to cooperate closely with the United States in halting proliferation and abstaining from additional tests of nuclear weapons. The conferees, along with both Houses, place great emphasis on their expectation that India's full cooperation with efforts by the U.S. and the international community to prevent Iran from acquiring the capability to produce nuclear weapons will be forthcoming.

India is already assuming a more prominent role in world affairs. Its votes in the IAEA Board of Governors in September 2005 and February 2006 regarding Iran's likely efforts to acquire a nuclear weapons capability are evidence that the Government of India is able and willing to adopt a more constructive role on international non-proliferation issues. The Conferees believe the true test of the wisdom of this legislation, which will be the effectiveness of India's new commitments and obligations regarding nuclear nonproliferation, can be judged only over time. India is determined to secure a more

prominent role in global affairs. This agreement will provide it with enhanced incentives to use its rapidly expanding influence to promote regional and international stability and global economic progress.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

TITLE I—UNITED STATES AND INDIA NUCLEAR COOPERATION

Section 101. Short title

Section 101 states that this title may be cited as the "Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006".

Section 102. Sense of Congress

Section 102 combines provisions relating to the Sense of Congress in the House bill and in the Senate amendment. It expresses the Sense of Congress regarding the nuclear non-proliferation regime and the principles that should guide the United States in entering into an agreement on nuclear cooperation with a country that has never been a State Party to the Nuclear Non-Proliferation Treaty (NPT). Paragraph (1) states that preventing the proliferation of nuclear weapons, other weapons of mass destruction (WMD), and the means to deliver these are critical objectives for United States foreign policy. Paragraph (2) states that sustaining the NPT and strengthening its implementation is the keystone of United States non-proliferation policy. Paragraph (3) states that the NPT has been a significant success in preventing the spread of nuclear weapons capabilities to other countries and in maintaining a stable international security situation. Paragraph (4) states that countries that have never become a party to the NPT and remain outside that treaty's legal regime pose a potential challenge to the achievement of the overall goals of global nonproliferation because those countries have not undertaken the NPT's international obligation to prohibit the spread of dangerous nuclear technologies. Paragraph (5) states that it is in the interest of the United States to ensure to the fullest extent possible that those countries that are not States Party to the NPT act responsibly in the disposition of any nuclear technology they develop.

Paragraph (6) states that it is in the interest of the United States to cooperate with a country that has never signed the NPT with respect to civilian nuclear technology if that country meets certain criteria. These criteria include demonstrating responsible behavior with respect to the nonproliferation of nuclear weapons technology and the means to deliver these weapons; the country has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent with that of the United States, and is working with the United States in key foreign policy initiatives related to non-proliferation; such cooperation induces the country to promulgate and implement substantially improved protections against the proliferation of technology related to nuclear weapons and the means to deliver them and also to refrain from actions that would further the development of its nuclear weapons program; and that such cooperation will induce the country to give greater political and material support to the achievement of U.S. global and regional nonproliferation objectives, especially with respect to dissuading, isolating, and, if necessary, sanctioning and containing states that sponsor terrorism and terrorist groups and that are seeking to acquire a nuclear weapons capability or other WMD capability and the means to deliver such weapons.

Paragraph (7) states that the United States should continue its policy of engagement,

collaboration, and exchanges with and between India and Pakistan. Paragraph (8) states that strong bilateral relations with India are in the national interest of the United States. Paragraph (9) states that the United States and India share common democratic values and the potential for increasing and sustained economic engagement. Paragraph (10) states that commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries.

Paragraph (11) states that civil nuclear commerce with India represents a significant change in U.S. policy toward countries not parties to the NPT and stresses that the NPT remains the foundation of the international non-proliferation regime. Paragraph (12) states that any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international nonproliferation regimes, including, in particular, the guidelines of the Nuclear Suppliers Group. Paragraph (13) states that the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

Section 103. Statements of policy

Section 103 contains provisions from the House bill and from the Senate amendment and sets forth two sets of policies of the United States: those general in nature and those specific to South Asia.

Subsection (a) states that it shall be the policy of the United States to:

1. Oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the NPT;

2. Encourage States Party to the NPT to interpret the right to "develop research, production and use of nuclear energy for peaceful purposes", as set forth in Article IV of the NPT, as being a right that applies only to the extent that it is consistent with the purpose of the NPT to prevent the spread of nuclear weapons and nuclear weapons capability, including by refraining from all nuclear cooperation with any State Party that the IAEA determines is not in full compliance with its NPT obligations, including its safeguards obligations;

3. Act in a manner fully consistent with the NSG guidelines concerning nuclear transfers and transfers of nuclear-related dual-use items;

4. Strengthen the NSG guidelines and decisions concerning consultation by members regarding violations of supplier and recipient understandings by instituting the practice of a timely and coordinated response by NSG members to all such violations, including termination of all nuclear transfers to an involved recipient, that discourages individual NSG members from continuing cooperation with such recipient until such time as a consensus regarding a coordinated response has been achieved;

5. Given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, work with members of the NSG, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India; and

6. Seek to prevent the transfer to a country of nuclear equipment, materials, or technology from other participating governments in the NSG or from any other source if nuclear transfers to that country are suspended or terminated pursuant to this title,

the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other United States law.

Regarding the second statement, the conferees note that the NPT was conceived for the specific and overriding purpose of preventing the proliferation of nuclear weapons and nuclear explosive devices, as stated in the Preamble and its first three Articles. All provisions of the NPT must be interpreted within the context of preventing the proliferation of nuclear weapons and nuclear explosive devices; and Article IV conditions a country's "inalienable right to develop research, production and use of nuclear energy for peaceful purposes without discrimination" on that country's conformity with Articles I, II, and III, which obligate each non-nuclear weapon State Party "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices."

The conferees believe that, because the processes of enriching uranium or separating plutonium for peaceful or military purposes are essentially identical, they inherently pose an enhanced risk of proliferation, even under strict international safeguards. Rights under Article IV of the NPT must be properly understood and exercised only insofar as they are consistent with preventing the proliferation of nuclear weapons. Therefore, the world must not accept a claim by a non-nuclear weapon state of a right to develop or possess a complete nuclear fuel cycle if that country has not provided convincing evidence that its nuclear activities are fully safeguarded from contributing to a nuclear weapons capability.

Regarding the third and fourth statements, the Nuclear Suppliers Group, although not a formal organization that can issue legally-binding directives, is nonetheless one of the most effective elements of the nuclear non-proliferation regime. For a generation, U.S. Presidents have forged in this forum an important international consensus on the need to prevent nuclear proliferation by controlling the export of sensitive nuclear material, equipment and technology. The conferees believe strongly that no bilateral objective, even the important objective of a new relationship with India, should be allowed to undermine the NSG's effectiveness. The United States must continue to abide by the NSG Guidelines, which it has worked so diligently to achieve.

Equally, the United States must maintain the consensus decision mechanism of the NSG, and not look for any way around that requirement. The conferees believe that the effectiveness of the NSG rests upon its consensus decision-making, resulting in unified policies and enhanced compliance with those policies. The conferees are mindful that a country outside the regime that seeks an exception from NSG guidelines could agree to stringent safeguards with some NSG members, but later import only from other NSG members that did not impose such requirements. To preclude such a scenario, the conferees urge the Executive branch to persuade other NSG members to act in concert in terms of the timing, scope, and safeguarding of nuclear supply to all countries, including India. In particular, the conferees intend that the United States seek agreement among NSG members that violations by one country of an agreement with any NSG member should result in joint action by all members, including, as appropriate, the termination of nuclear exports. In addition, the conferees intend that the Administration work with individual states to encourage them to refrain from sensitive exports.

Regarding the sixth statement, if U.S. exports to a country were to be suspended or

terminated pursuant to U.S. law, it will be U.S. policy to seek to prevent the transfer to such country of nuclear equipment, material or technology from other sources. This concern could arise if, for example, there were a nuclear test explosion, termination or abrogation of IAEA safeguards, material violation of IAEA safeguards or an agreement of cooperation with the United States, assistance or encouragement of a non-nuclear weapon state in nuclear-weapons related activities or reprocessing-related activities, or (in India's case) failure to uphold its July 18, 2005, Joint Statement commitments. In such a circumstance, the conferees expect the United States to encourage other supplier countries not to undermine U.S. sanctions.

On March 6, 2006, the Indian Prime Minister told the Indian Parliament that the U.S. Government had said that if a disruption of fuel supplies to India occurs, the U.S. would, with India, jointly convene a group of friendly supplier countries, such as Russia, France and the United Kingdom, to pursue such measures as would restore fuel supply to India. The conferees understand and expect that such assurance of supply arrangements that the U.S. is party to will be concerned only with disruption of supply of fuel due to market failures or similar reasons, and not due to Indian actions that are inconsistent with the July 18, 2005, commitments, such as a nuclear explosive test.

Subsection (b) states that, with respect to South Asia, it shall be U.S. policy to:

1. Achieve, at the earliest possible date, a moratorium on the production of fissile material for nuclear explosive purposes by India, Pakistan, and the People's Republic of China;

2. Achieve, at the earliest possible date, the conclusion and implementation of a treaty banning the production of fissile material for nuclear weapons to which both the United States and India become parties;

3. Secure India's full participation in the Proliferation Security Initiative (PSI), formal commitment to the PSI's Statement of Interdiction Principles, public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Control Lists of the Wassenaar Arrangement, and demonstration of satisfactory progress toward implementing this decision; and ratification of or accession to the Convention on Supplementary Compensation for Nuclear Damage;

4. Secure India's full and active participation in U.S. efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire WMDs, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel and the means to deliver WMDs;

5. Seek to halt the increase of nuclear weapon arsenals in South Asia and to promote their reduction and eventual elimination;

6. Ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the United States except under procedures required under section 131f. of the Atomic Energy Act of 1954;

7. Pending implementation of the multilateral moratorium or treaty described in paragraphs (1) and (2), encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities;

8. Ensure that any safeguards agreement or Additional Protocol to which India is a party with the IAEA can reliably safeguard any export or reexport to India of nuclear materials and equipment;

9. Ensure that the text and implementation of any agreement for cooperation with India meet the requirements set forth in subsections a.(1) and a.(3) through a.(9) of sec-

tion 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153); and

10. Ensure that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

The conferees believe that a U.S.-India nuclear cooperation agreement will mark an important and positive turning point in the U.S.-India relationship. This does not mean, however, that the United States should sacrifice its long-standing objectives for non-proliferation in South Asia. This subsection states that U.S. policy must be to continue to support a fissile material moratorium in South Asia and a halt to the increase in nuclear arsenals in the region, which would bring great benefits to India and its neighbors. The United States must also continue to work for a broader fissile material production halt, whether through Fissile Material Cut-off Treaty negotiations or, for example, through an agreement reached by all the countries that have fissile material for nuclear weapons purposes.

The conferees believe also that India has a significant role to play in preventing the proliferation of dangerous nuclear technologies to other countries and that India must be a part of the international effort to prevent Iran from acquiring weapons of mass destruction, especially nuclear weapons. The conferees fully expect and look forward to the day when India joins the world community in conforming to the full range of non-proliferation and export control regimes. In the July 18, 2005, Joint Statement, India committed to accept the "same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States." India's welcome steps regarding nuclear and missile-related export controls are important progress in this regard, but the other leading countries with advanced nuclear technology will expect India to join them also in stemming the flow of items that can contribute to chemical and biological weapons programs and of destabilizing types or amounts of certain conventional weapons. India's participation in the Proliferation Security Initiative would also be of great benefit to the world and to the region.

It is also vital that India hasten the day when it can halt the production of fissile material for weapons, as four of the five nuclear weapon states under the NPT have openly done. The conferees understand that India cannot do this alone, and therefore urge the Executive branch to pursue a joint moratorium by India, Pakistan and China, as well as a multilateral treaty banning the production of fissile material for nuclear weapons.

The conferees believe it is critical to secure India's full participation in U.S. efforts to prevent Iran from acquiring nuclear weapons, a position held by many members of both houses of Congress. The conferees express their appreciation for India's favorable votes on this issue in the IAEA Board of Governors and its statements that Iran should indeed cooperate with the IAEA and refrain from developing nuclear weapons. They understand also that India has long-standing ties with Iran. Precisely because India has those ties, it can and must play a prominent and positive role in convincing Iran that the path of cooperation and of nuclear development with international assurances, but without an indigenous full fuel cycle, is far preferable to the path of obduracy and isolation in order to develop uranium enrichment and plutonium production capabilities.

The United States has an obligation under Article I of the NPT not to "in any way assist, encourage, or induce a non-nuclear

weapon state to manufacture or otherwise acquire nuclear weapons." Many nonproliferation experts have noted the need to avoid a nuclear arms race in South Asia, as well as to ensure that U.S. assistance does not encourage India to increase its production of fissile material at unsafeguarded nuclear facilities. The conferees understand that U.S. peaceful nuclear cooperation with India will not be intended to inhibit India's nuclear weapons program. At the same time, however, such cooperation must be conducted in a manner that does not assist that program. That is why the conferees stress the need for effective safeguards on nuclear-related exports or reexports to India, the need to meet the requirements in sections a.(1) and a.(3) through a.(9) of section 123 of the Atomic Energy Act, and the need for any nuclear fuel reserve provided to the Government of India to be commensurate with reasonable reactor operating requirements, rather than of a size that would enable India to break its commitments or end its moratorium on nuclear testing and maintain its civil nuclear energy production despite unilateral or international sanctions.

Indian officials have publicly stated that under the U.S.-India agreement, India will be able to produce as much fissile material for weapons purposes as it desires. At the same time, however, many experts have said that there is no reason why India would need or want to increase that production significantly. The conferees hope that India will demonstrate restraint and not increase significantly its production of fissile material. If civil nuclear commerce were to be seen, some years from now, as having in fact contributed to India's nuclear weapons program, there could be severe consequences for nuclear cooperation, for U.S.-Indian relations, and for the world-wide nuclear nonproliferation regime.

India's March 2006 nuclear facility separation plan stated: "The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors." Congress has not been able to determine precisely what was said on this matter in high-level U.S.-Indian discussions. U.S. officials testified, however, that the United States does not intend to help India build a stockpile of nuclear fuel for the purpose of riding out any sanctions that might be imposed in response to Indian actions such as conducting another nuclear test. The conferees understand that nuclear reactor facilities commonly have some fresh fuel stored, so as to minimize down time when reactor cores are removed. They endorse the Senate proposal, however, that there be a clear U.S. policy that any fuel reserve provided to India should be commensurate with normal operating requirements for India's safeguarded reactors.

Section 104. Waiver authority and Congressional approval

The conference agreement adopts the framework of the House bill, but adds a number of provisions from the Senate amendment.

Section 104(a) provides the President with authority to exempt an agreement for civil nuclear cooperation with India and nuclear exports to India from certain sections of the Atomic Energy Act of 1954 (AEA) that would otherwise present obstacles to approving and implementing such an agreement. Specifically, the waiver authority applies to sections 123 a.(2), 128, and 129.

Both the House of Representatives and the Senate concurred with the administration regarding the need for relief from the requirement in section 123 a.(2) of the AEA, which would otherwise require that India

agree to put all its nuclear facilities under IAEA safeguards. They concluded, in particular, that the Executive branch would be unable to meet the standard in existing law for exempting a U.S.-India agreement from this requirement, namely that failure to make the proposed exception/waiver would be "seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security." The conferees recommend allowing the President to exempt an agreement with India from the requirement in section 123 a.(2) of the AEA without making this determination. Instead, subsection 104(a) requires that the President make the determination in subsection 104(b).

The conferees emphasize their intent, however, that section 123 a.(2) be the only portion of the AEA from which their recommendation provides relief. The Executive branch will still be required to coordinate and submit to Congress a Nuclear Proliferation Assessment Statement under section 123. In addition, an agreement for cooperation with India will still have to meet the requirements of section 123 a.(1) and a.(3) through (9), unless the President can meet the standard quoted above for exempting the agreement from one or more of those requirements.

The conferees recommend subsection 104(e), moreover, which amends section 123 a. of the AEA so as to make clear that an agreement with India for which the President has exercised the waiver provided by subsection 104(a) of this title will be considered under existing AEA procedures for approval of an agreement for cooperation exempted from one of the requirements of section 123 a. These procedures provide for expedited consideration of a joint resolution of approval of the agreement, but do not permit the agreement to enter into force unless and until a joint resolution of approval is enacted. Parliamentary practice in the two houses of Congress is that the expedited joint resolution will not contain any conditions to their approval of the agreement and will not be subject to amendment. Congress could pass a joint resolution of approval with conditions, but would have to proceed without benefit of the expedited procedures offered by sections 123 and 130 of the AEA.

Section 104(a)(2) provides the President authority to waive section 128 of the AEA with respect to exports to India, without the additional limitations proposed in the House bill.

In addition, this title would allow the President to waive the restrictions of section 129 a.(1)(A) of the AEA for any activity that occurred on or before July 18, 2005, and also to waive the restrictions of section 129 a.(1)(D). This would provide authority to waive a termination of nuclear exports that would otherwise be required because of President Clinton's determination that India had tested a nuclear explosive device in 1998, while keeping in place the requirement to cut off exports should India test in the future. It would also provide waiver authority for cessation of U.S. nuclear exports to India in the event that the President determines that India has "engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such activities." This waiver will be necessary because India will presumably continue to produce material for its nuclear weapons program, consistent with its separation plan.

Subsection (b) requires the President to make the following determinations:

(1) India has provided the United States and the International Atomic Energy Agen-

cy with a credible plan to separate civil and military nuclear facilities, materials, and programs, and has filed a declaration regarding its civil facilities and materials with the IAEA;

(2) India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs as declared in its separation plan, including materials used in or produced through the use of India's civil nuclear facilities;

(3) India and the IAEA are making substantial progress toward concluding an Additional Protocol consistent with IAEA principles, practices, and policies that would apply to India's civil nuclear program;

(4) India is working actively with the United States for the early conclusion of a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices;

(5) India is working with and supporting U.S. and international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants;

(6) India is taking the necessary steps to secure nuclear and other sensitive materials and technology, including through: the enactment and enforcement of comprehensive export control legislation and regulations; harmonization of its export control laws, regulations, policies, and practices with the policies of the MTCR and the NSG, and adherence to the MTCR and the NSG in accordance with the procedures of those regimes for unilateral adherence;

(7) The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG.

The conferees intend that the need for these determinations will make certain that measures needed to ensure that the agreement can safely come into force are in place, e.g., a safeguards agreement negotiated with the IAEA, and that India has fulfilled key obligations it undertook freely in its July 18, 2005, statement and in subsequent statements. The conferees recognize that a number of these conditions will require considerable expenditure of effort and resources to satisfy, such as the negotiation of an Additional Protocol that must be tailored to India's unique needs, and for that reason have 15 allowed for significant latitude regarding their completion. But the conferees believe that none of these conditions, either singly or in combination with others, is onerous. In addition, although they did not impose rigorous measurements or deadlines, the conferees intend that considerable substantive progress on the foregoing measures can be demonstrated, including India's cooperation with the United States to prevent the spread of enrichment and reprocessing technology and its taking steps to strengthen its export laws and regulations.

The House bill required a determination that India and the IAEA "have concluded" a safeguards agreement, while the Senate version required that the agreement "has entered into force." The conferees want to ensure that the Congress can have confidence that the text of the safeguards agreement, which will be provided when an agreement with India is submitted to Congress, is what will actually come into effect. The conferees recognize, however, that there might well be a delay between the approval of a safeguards agreement and the date of its entry into

force. They understand also that India may be wary of signing a safeguards agreement with the IAEA before an agreement for cooperation with the United States has been approved.

The conferees recommend that the President be required to determine that India and the IAEA have concluded all legal steps required prior to signature by the parties of a safeguards agreement that conforms to IAEA standards, principles, and practices. They have been assured that signature is the final step in the process of negotiating and approving a safeguards agreement. Normally, safeguards agreements enter into force upon signature. The Executive branch understands that Congress must be confident that the India-IAEA safeguards agreement text it is shown when an agreement for cooperation is submitted is, in fact, what will be signed and come into force. The conferees believe that Congress will be able to rely upon a text that has gone through all legal steps required prior to signature by the parties.

With regard to Indian adherence to the MTCR and the NSG, the conferees understand that there are specific procedures that a country uses to unilaterally adhere to such regimes. The conferees also understand that the Government of India is aware of those procedures.

Paragraph (7) requires a presidential determination that the Nuclear Suppliers Group has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG. The conferees believe that it is vital to maintain the role and effectiveness of the NSG, a position which is consistent with statements by senior Administration officials. This provision ensures that the NSG will change its guidelines, or grant an exemption from them, only in accordance with its longstanding practice that all such changes require consensus among its participating governments.

Subsection (c) requires the President to submit to the House International Relations Committee and the Senate Foreign Relations Committee the determination described in subsection (b) and a report regarding this determination that includes:

(1) summaries and copies of India's separation plan and of its declaration of which of its civil nuclear facilities will be placed under IAEA safeguards, including an analysis of the credibility of the plan and declaration;

(2) a summary of the safeguards agreement between India and the IAEA, including a copy of the agreement and a description of progress toward its full implementation

(3) a summary of the progress made toward concluding and implementing an Additional Protocol between India and the IAEA, including a description of the scope of that Additional Protocol;

(4) a description of the steps India is taking to work with the United States for the conclusion of a multilateral treaty banning the production of fissile material for nuclear weapons, including a description of the steps the United States has taken and will take to encourage India to identify and declare a date by which India would be willing to stop production of fissile material for nuclear weapons unilaterally or pursuant to a multilateral moratorium or treaty;

(5) a description of the steps India is taking to prevent the spread of nuclear-related technology, including enrichment and reprocessing technology or materials that can be used to acquire nuclear weapons technology, as well as the support that India is providing to the United States to restrict the spread of such technology;

(6) a description of the steps that India is taking to secure materials and technology applicable for the development, acquisition,

or manufacture of weapons of mass destruction and the means to deliver such weapons through the application of comprehensive export control legislation and regulations, and through harmonization and adherence to MTCR, NSG, Australia Group, and Wassenaar Arrangement guidelines, as well as compliance with United Nations Security Council Resolution 1540, and participation in the Proliferation Security Initiative;

(7) a description and assessment of the specific measures that India has taken to fully and actively participate in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel, and the means to deliver weapons of mass destruction;

(8) a description of the NSG decision regarding India, including whether the U.S.-India civil nuclear cooperation agreement is consistent with the decision and with the practices and policies of the NSG;

(9) a description of the scope of peaceful cooperation envisioned by the United States and India that will be implemented under the Agreement for Nuclear Cooperation, including whether such cooperation will include the provision of enrichment and reprocessing technology; and

(10) a description of the measures the United States will take to prevent the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or for any activity related to nuclear explosive devices, and ensure that the provision of nuclear reactor fuel does not result in increased production of fissile material in unsafeguarded nuclear facilities.

Since the IAEA Board of Governors resolved that Iran was in noncompliance with its safeguards and NPT obligations in September 2005, diplomatic negotiations to dissuade, sanction and contain the Iranian nuclear program have been largely unsuccessful. It is imperative to obtain the support of key states to develop measures that would enable the world community once again to have confidence in both Iran's nuclear intentions and the ability to monitor developments. India's support, as a long-time leader of the Non-Aligned Movement and as a state with military and economic relations with Iran, is particularly important. The conferees believe that India's full and active participation in U.S. and international efforts to dissuade, sanction, and contain Iran's nuclear program would greatly benefit both the region and the world, and that the report on its efforts in this regard, required by subparagraph (c)(2)(G) will be of great interest to many Members of Congress.

There has been much concern about the possibility that the provision of nuclear technology and nuclear fuel to India could indirectly assist or encourage India's nuclear weapons program. To increase confidence that no such developments will take place, the conferees recommend the reporting requirement in subparagraph (c)(2)(J). The report should address the potential replication of U.S.-origin nuclear technology in unsafeguarded nuclear facilities in India, as well as the possible utilization of foreign nuclear fuel supplies in a manner that leads to the increased production of fissile material in India's unsafeguarded nuclear facilities using domestic uranium reserves. Further, the conferees urge the Administration to encourage India to exercise the utmost restraint with respect to its nuclear weapons program, including with respect to any new reactor that would increase India's plutonium production capability.

Subsection (d) provides, in part, that:

(1) nothing in this title constitutes authority to carry out any civil nuclear cooperation between the U.S. and a country that is not a nuclear-weapon State Party to the NPT that would in any way assist, encourage, or induce that country to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices;

(2) no item subject to the transfer guidelines of the NSG may be transferred to India if such transfer would be inconsistent with the guidelines in effect on the date of the transfer; and

(3) exports of nuclear and nuclear-related material, equipment, or technology to India shall be terminated if India makes any materially significant transfer of nuclear or nuclear-related material, equipment, or technology that does not conform to NSG guidelines or ballistic missiles or missile-related equipment or technology that does not conform to MTCR guidelines, unless the President either determines that cessation of such exports would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security; or chooses not to terminate exports because: the transfer was made without the knowledge of the Government of India; at the time of the transfer, either the Government of India did not own, control or direct the Indian person that made the transfer or the Indian person that made the transfer is a natural person who acted without knowledge of any entity described in subparagraph (B) or (C) of section 110(5); and the President certifies to the appropriate congressional committees that the Government of India has taken or is taking appropriate judicial or other enforcement actions against the entity with respect to such transfer.

As stated above, the conferees believe the NPT is the keystone of U.S. nonproliferation policy and must be sustained and strengthened. The United States has always abided by its obligation under Article I of the NPT to not in any way assist, encourage, or induce non-nuclear weapon states to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices. The Nuclear Nonproliferation Act of 1978 set a standard almost thirty years ago for the United States in its civil nuclear cooperation with non-nuclear weapon states by requiring those states to have full-scope safeguards. In making an exception for a future nuclear cooperation agreement with India in this bill, it is paramount to ensure that nothing in such cooperation would undermine America's commitment to abide by Article I of the NPT. The conferees recommend paragraph 104(d)(I) to underscore this view.

Section 104(d)(2) is one of several provisions in the bill intended to ensure that any civil nuclear cooperation between the United States and India strengthens rather than weakens the global nuclear nonproliferation regime. This provision contributes to the achievement of this objective by prohibiting the transfer to India of any item the transfer of which is subject to (1) a U.S.-India agreement for cooperation, (2) the NSG Guidelines for Nuclear Transfers (INFCIRC/254, Part 1), or (3) the NSG Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology (INFCIRC/254, Part 2), if such transfer would be inconsistent with either of the aforementioned NSG guidelines as in effect on the date of the transfer. No waiver authority is provided to permit transfers to be made notwithstanding this restriction.

This restriction will ensure that U.S.-India nuclear cooperation continues to be carried out in a manner consistent with the transfer guidelines and policies of the NSG. The Administration has expressed confidence that

the NSG will adjust its guidelines in order to permit civil nuclear cooperation along the lines contemplated by the July 18, 2005, Joint Statement of President Bush and Prime Minister Singh. Further, Secretary of State Condoleezza Rice has publicly assured Congress, by means of a letter dated June 28, 2006, to Senate Foreign Relations Committee Chairman Richard Lugar, that: “* * * in carrying out the laws and regulations of the United States governing the export of nuclear-related items, the United States Government will continue to act in accordance with IAEA INFCIRC/254, as amended, the Guidelines and Annexes of the Nuclear Suppliers Group. The U.S. will also continue to act within the policies and practices of the decisions taken by the Nuclear Suppliers Group with respect to India. We intend to do so notwithstanding any contrary actions by any other participating countries in the Nuclear Suppliers Group.”

Section 104(d)(3) reflects the importance the conferees attach to India’s commitments in the July 18, 2005, Joint Statement to secure its nuclear materials and nuclear and missile technology through comprehensive export control legislation and through harmonization and adherence to MTCR and NSG guidelines. These two steps are critical to bringing India closer to the nonproliferation mainstream, one of the benefits attributed to U.S. nuclear cooperation with India by the Administration. Failure to conform to these nuclear and missile export control guidelines, both in principle and in practice, would represent a failure by India to meet the nonproliferation standards expected of other responsible states.

This provision mandates termination of exports under an agreement for cooperation with India if an Indian person engages in transfers that are not consistent with NSG or MTCR guidelines. The term “Indian person,” which is defined in subsection 110(5), is used in a legal sense, to encompass both individuals and entities of all sorts that are under India’s jurisdiction, as well as governmental entities. The term includes non-Indian nationals, if they are under India’s jurisdiction.

As no export control system is perfect, the conferees recommend that the threshold of violation be one of material significance. This should eliminate any concern that the sale of a “widget” to the wrong country could trigger the sanction in paragraph 104(d)(2).

The conferees recommend granting to the President two separate waiver authorities regarding this sanction. The first could be exercised if the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security.

The second waiver could be used if the offending transfer was made without the knowledge of the Government of India, such transfer was made either by an Indian person not owned, controlled, or directed by the Government of India at the time of the transfer, or by an individual who acted alone without the knowledge of the relevant Indian entity, and the President certified to the appropriate congressional committees that the Government of India has taken or is taking appropriate judicial or other enforcement actions against the Indian person with respect to such transfer. The conferees do not intend that an Indian individual working alone for private gain and without the knowledge of the entity for which that individual works would trigger the restrictions in this section. However, if such individual is a senior officer of such entity, the conferees believe that constructive knowledge must be

deemed to exist. In a case where it is impossible for the Government of India to bring judicial or other enforcement action against an Indian person because the government cannot exercise jurisdiction over the person or entity, or if the Government of India cannot bring an enforcement action because of its good faith interpretation of applicable law, or for some other reason, the statutory requirement that “appropriate” action be taken to avoid the termination required in subparagraph (A) may be deemed fulfilled. The conferees thus intend not to put an agreement for cooperation with India in jeopardy, but rather to encourage India’s compliance with its commitments and to allow sanctions to be waived if compliance efforts are in train. It is the President’s responsibility, however, to show in his certification to Congress that such circumstances limiting the Government of India’s enforcement actions truly exist, and are not in reality an evasion of the intent of this provision that India exercise true oversight over the persons and entities that operate within its territory or jurisdiction.

The conferees understand that, if necessary, the President could use his waiver authority to give India some time in which to commence appropriate enforcement actions. The conferees intend, however, that any such waiver would be for a limited period and would be withdrawn if the expected enforcement failed to materialize.

Section 104(d)(4) derives from a provision in the Senate bill that prohibited the export and reexport to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water to India, except where the Indian end user is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities or a facility participating in a bilateral or multinational program to develop a proliferation-resistant fuel cycle, and where the President determines that the export or reexport will not improve India’s ability to produce nuclear weapons or fissile material for military uses. The conferees recommend the Senate provision with an amendment.

Section 104(d)(4) regulates U.S. cooperation with India in the areas of uranium enrichment, reprocessing of spent fuel and heavy water production. Under the Atomic Energy Act, such cooperation is not restricted, but agreements for cooperation must specify if such cooperation is to take place.

In dealing with such matters as related to India, the conferees have paid particular attention to the general status of such cooperation under U.S. law and with all nations that currently have 123 agreements with the United States, and to the policies of the present Administration. The conferees note that all but one currently active Section 123 agreement (with Australia) specifically prohibit such cooperation. In order to meet the requirement of Section 123 a.(9) of the Atomic Energy Act (that equipment, material, or production or utilization facilities produced as a result of a U.S. nuclear cooperation agreement will be subject to all the other requirements of Section 123 a.), it has been deemed necessary to amend agreements for cooperation, submitting them to Congress for approval. In 1999, when the United States Government opted to expand U.S.-Australian nuclear cooperation to allow for cooperation in the SILEX uranium enrichment process, an amended agreement was submitted to Congress for approval.

The conferees intend that, should any such cooperation with India be contemplated, either the original agreement for cooperation would specify that such cooperation is authorized or a subsequently amended agree-

ment would be submitted to the Congress. In either circumstance, existing congressional prerogatives to review and approve such cooperation would be maintained. The conferees note that the Administration has already stipulated that “full civil nuclear cooperation,” the term used in the July 18, 2005, Joint Statement between President Bush and Indian Prime Minister Singh, will not include enrichment or reprocessing technology. This is consistent with President Bush’s February 11, 2004, speech at the National Defense University, in which he stated that “enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes,” and the fact that, other than in the SILEX arrangement with Australia, the United States does not currently engage in cooperation regarding enrichment or reprocessing technology with any country.

The conferees recommend an additional provision, not contained in the original Senate bill, that would add a requirement that appropriate measures will be in place to ensure that no sensitive nuclear technology (SNT), as defined in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(5)), will be diverted to any person, site, facility, location, or program not under IAEA safeguards.

The conferees believe that this language is necessary to ensure that no SNT related to the enrichment of uranium (which can be used to make highly-enriched uranium for weapons), the reprocessing of spent nuclear fuel (which can provide plutonium for weapons), or the production of heavy water (which is used in reactors that produce weapons-grade plutonium and tritium as a by-product) is transferred to India, unless under circumstances that provide assurance that this technology would not be diverted to a similar site, facility, location, or program not associated with peaceful nuclear fuel-cycle activities.

India currently produces heavy water, operates heavy-water moderated reactors, reprocesses spent nuclear fuel, and has a limited uranium enrichment capability. Only a portion of India’s facilities will be under IAEA safeguards, and sensitive nuclear technologies will reside in India in both safeguarded and un-safeguarded facilities. The conferees seek to ensure that the United States does not provide, even inadvertently, assistance to India that could further India’s development of these technologies for non-civilian purposes. Such assistance could be viewed as a violation of U.S. obligations under Article I of the NPT.

The conferees intend that no licenses be issued pursuant to Parts 110 and 810 of Title 10 of the Code of Federal Regulations by the Nuclear Regulatory Commission (NRC) and the Secretary of Energy except under the requirements of subparagraph (B) of subsection 104(d)(4). Such a restriction on transfers would also extend to any Department of Energy authority to transfer enrichment, reprocessing, or heavy water production-related technology, not pursuant to a Section 123 agreement.

The conferees note that section 104(d)(4) cannot override the terms of an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act that may not permit such cooperation and would thus bar such exports or transfers, and the conferees do not intend to create such authority. They expect that, as in other nuclear cooperation agreements, the Executive branch would submit an amended or new nuclear cooperation agreement to cover enrichment, reprocessing, or heavy water production-related cooperation, should such a change be undertaken in the future with

India. Such an agreement would not be pursuant to the terms of this title, and would have to be submitted under the existing exemption authority contained in section 123 of the AEA.

Section 104(d)(5) contains broad requirements for a nuclear export accountability program to be carried out with respect to U.S. exports and re-exports of nuclear materials, equipment, and technology sold, leased, exported, or reexported to India. Such a program can provide increased confidence in India's separation of its civilian from its military nuclear programs, facilities, materials and personnel, and also would further ensure United States compliance with Article I of the NPT and implementation of section 123a.(1) of the Atomic Energy Act of 1954. The provision is not intended to reflect poorly on India's July 18, 2005, Joint Statement commitments and its March and May 2006 separation documents. Rather, the conferees believe that the resulting and regular cooperation between U.S. regulatory agencies, in particular with the NRC, can provide a basis for even greater cooperation between the two nations.

Section 104(d)(5) provides a large degree of flexibility to the President. Clauses (B)(i) and (ii) require sufficient measures to ensure that all the assurances and conditions of any licenses or authorizations issued for exports and reexports to India by the NRC (which are issued under 10 CFR Part 110) and by the Secretary of Energy (which are issued pursuant to 10 CFR Part 810) are being met and complied with in India. Clause (B)(ii) would require that, with respect to any authorizations issued by the Secretary of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 USC 2077(b)): the identified recipients of the nuclear technology are authorized to receive the nuclear technology; the nuclear technology identified for transfer will be used only for safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

Section 104(d)(5)(B)(iii) mandates that, in the event the IAEA is unable to implement safeguards as required by an agreement between the United States and India approved pursuant to this title, there be appropriate assurance that arrangements will be put in place expeditiously that are consistent with the requirements of section 123 a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2153(a)(1)) regarding the maintenance of safeguards as set forth in the agreement regardless of whether the agreement is terminated or suspended for any reason. Assurances that there will be such "fall-back safeguards," if needed, are an important feature of agreements for nuclear cooperation; they enable such safeguards to exist more clearly in perpetuity. There is always a possibility that budget or personnel strains in the IAEA will render it unable to fulfill a safeguards mandate. Such strains would likely have nothing to do with India, but would have a major impact on the ability of the United States to assure that U.S. exports were being used responsibly. The conferees intend to assure that the requirements of section 123 a.(1) are fully met; they do not intend to impose a more intrusive regime than arrangements that have been used before in one or more U.S. agreements for cooperation.

Section 104(e) makes a conforming amendment to section 123 d. of the Atomic Energy Act of 1954. The purpose of this provision is to make clear that the U.S.-India agreement

on civil nuclear cooperation, even if exempted from subsection a.(2) of section 123, may enter into force only if approved by Congress by a joint resolution of approval, consistent with current law with regard to an agreement that the President exempts from any requirement of subsection a. of section 123. As with any other agreement submitted under section 123 d., the congressional approval procedures under section 130 i. of the Atomic Energy Act would apply.

Section 104(f) provides that the authority under subsection (a)(1) to exempt a U.S.-India agreement on civil nuclear cooperation will terminate if a joint resolution, approved as required under section 123 d. (as amended by subsection (e)), is enacted. The purpose of this provision is to ensure that a future President may not use the authority of this title to exempt a new U.S.-India agreement on civil nuclear cooperation.

Section 104(g) provides for several reports to Congress.

Paragraph (1) requires the President to keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India. This requirement includes information on any material non-compliance on the part of the Government of India with the nonproliferation commitments undertaken in the Joint Statement of July 18, 2005, the March 7, 2006, separation plan, the future IAEA-India safeguards agreement and Additional Protocol, a peaceful nuclear cooperation agreement between India and the United States, the terms and conditions of any approved licenses regarding the export or reexport of nuclear material or dual-use material, equipment, or technology, and United States laws and regulations regarding such licenses. This reporting requirement also encompasses information regarding the construction of a nuclear facility in India after the date of the enactment of this title, significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced, and changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

The term "fully and currently informed" creates an obligation upon the Executive branch to inform the appropriate committees whenever significant information becomes available, rather than waiting to include it in a regularly scheduled report. This does not mean that the committees can expect daily or weekly briefings; rather, the Executive branch is trusted to use common sense in determining how best to discharge its duty to keep the committees up to date on important information.

Paragraph (2) requires an "Implementation and Compliance Report" by the President to Congress not later than 180 days after the date on which a civil nuclear cooperation agreement between the U.S. and India enters into force and annually thereafter.

This report must include a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards; a comprehensive listing of all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations; any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear nonproliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulation, or any successor regulation; any other United States authorizations for the export

or reexport to India of nuclear materials and equipment; and with respect to each such license or other form of authorization as described: (1) the number or other identifying information of each license or authorization; (2) the name or names of the authorized end user or end users; (3) the name of the site, facility, or location in India to which the export or reexport was made; (4) the terms and conditions included on such licenses and authorizations; (5) any postshipment verification procedures that will be applied to such exports or reexports; and (6) the term of validity of each such license or authorization.

This report must also include information regarding any significant nuclear commerce between India and other countries, including any such trade that is not consistent with applicable NSG guidelines or decisions, or would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin. In addition, the report must include either an assessment that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced above; or an identification and analysis of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including (1) the steps the U.S. Government has taken to remedy or otherwise respond to such compliance issues; (2) the responses of the Government of India to such steps; (3) the steps the U.S. Government will take to this end in the coming year; and (4) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India remains in the national security interest of the United States.

Further, the report must contain an assessment of whether India is fully and actively participating in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel, and the means to deliver weapons of mass destruction, including a description of the specific measures that India has taken in this regard; and if India is not assessed to be fully and actively participating in these efforts, a description of: the measures the United States Government has taken to secure India's full and active participation, the responses of the Government of India to such measures, and the measures the United States Government plans to take in the coming year to secure India's full and active participation.

The report must provide an analysis of whether United States civil nuclear assistance to India is in any way assisting India's nuclear weapons program, including through the use of any U.S. equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons related complex; the replication and subsequent use of any U.S. technology by India in an unsafeguarded nuclear facility or unsafeguarded nuclear weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and the provision of nuclear fuel in such a manner as to facilitate the increased production by India of highly-enriched uranium or plutonium in unsafeguarded nuclear facilities.

A detailed description is also required regarding U.S. efforts to promote national or regional progress by India and Pakistan in disclosing, securing, limiting, and reducing their fissile material stockpiles, including stockpiles for military purposes, pending creation of a world-wide fissile material cut-off regime, including the institution of a

Fissile Material Cut-off Treaty; the responses of India and Pakistan to such efforts; and assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the aforementioned national and regional progress by India and Pakistan.

The report must also contain an estimate of the amount of uranium mined and milled in India during the previous year, the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices, and the rate of production in India of fissile material for nuclear explosive devices and of nuclear explosive devices, along with an estimate of the amount of electricity India's nuclear reactors produced for civil purposes during the previous year, and the proportion of such production that can be attributed to India's declared civil reactors, given that India's military reactors produce some electricity for use in the civil sector. In addition, there must be an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices.

The report must also provide a detailed description of efforts and progress made toward the achievement of India's full participation in the Proliferation Security Initiative and formal commitment to the Statement of Interdiction Principles of the PSI; public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and effective implementation of these decisions.

Finally, this report requires information regarding the disposal during the previous year of spent nuclear fuel from India's civilian nuclear program, and any plans or activities relating to future disposal of such spent nuclear fuel.

Paragraph (3) allows the President to submit the aforementioned reports under Paragraph (2) with other annual reports. The report shall be unclassified but may contain a classified annex.

Section 105. United States compliance with its Nuclear Nonproliferation Treaty obligations

Sec. 105 states that nothing in this title constitutes authority for any action in violation of an obligation of the United States under the NPT. As stated earlier in this report, the conferees consider the NPT to be the cornerstone of U.S. nuclear nonproliferation policy. They expect the Executive branch to keep its NPT obligations in mind when considering each export or reexport, transfer, or retransfer pursuant to an agreement for cooperation, and especially pursuant to such an agreement with a state that is not a State Party to the NPT.

Section 106. Inoperability of determination and waivers

Sec. 106 states that a determination and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this Act. The conferees intend this section to make absolutely clear a point that already follows from section 129 of the Atomic Energy Act (42 U.S.C. 2158). This title affords no waiver from section 129 for an Indian nuclear detonation after July 18, 2005.

Section 107. MTCR adherent status

Section 107 is included to clarify the status accorded to India. Section 73 of the Arms Export Control Act (AECA) mandates sanctions on transfers of MTCR equipment or technology if the President determines that a foreign person knowingly exports, transfers, or otherwise engages in the trade of any

MTCR equipment or technology that contributes to the acquisition, design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under the AECA; or if a foreign person conspires to or attempts to engage in such export, transfer, or trade; or if a foreign person facilitates such an export, transfer, or trade by any other person; or if the President has made a determination with respect to a foreign person under section 11B(b)(1) of the Export Administration Act of 1979 (50 USC App. 2410b(b)(1)). Section 73 of AECA is, however, inapplicable to MTCR adherents if the export in question is "any export, transfer, or trading activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained by misrepresentation or fraud" or if the export, transfer, or trade of an item is to an end user in a country that is an MTCR adherent (section 73(b)). Section 73 also provides for the termination of sanctions when an MTCR adherent takes steps toward effective judicial enforcement against persons violating the prohibitions in section 73, if such actions are "comprehensive" and are "performed to the satisfaction of the United States" and the findings of such proceedings are satisfactory to the United States (section 73(c)(1)(A) and (B) and section 73(c)(2)).

Secretary Rice has stated that "India would not be considered an 'MTCR Adherent' as defined under Section 73" because:

"India has committed to unilaterally adhere to the Missile Technology Control Regime (MTCR) Guidelines. The missile sanctions law would generally still apply to a "unilateral adherent" to the MTCR.

Unilateral adherence to the MTCR Guidelines means that a country makes a unilateral political commitment to abide by the Guidelines and Annex of the MTCR. In particular, an MTCR unilateral adherent commits to control exports of missile-related equipment and technology according to the MTCR Guidelines, including any subsequent changes to the MTCR Guidelines and Annex. Inter alia, this means that MTCR unilateral adherent countries need to have in place laws and regulations that permit them to control the export of MTCR Annex equipment and technology consistent with the MTCR Guidelines.

An "MTCR Adherent" is a specially defined status in terms of Section 73 of the Arms Export Control Act (also referred to as the missile sanctions law). An "MTCR Adherent," as defined in Section 73 of the missile sanctions law, is a country that "participates" in the MTCR or that, "pursuant to an international understanding to which the United States is a party, controls MTCR equipment and technology in accordance with the criteria and standards set forth in the MTCR." India's "unilateral adherence" to the MTCR would not meet this requirement.

Since India's unilateral adherence does not qualify it as an MTCR adherent under section 73 of AECA, the conferees included section 107 to clarify this point. While the provision accomplishes this, it is also drafted in such a manner as to permit India, should it so decide in the future, to enjoy the benefits of AECA section 73 by becoming a full adherent to the MTCR. Because the provision states a factual finding by Congress, the provision would no longer have effect if India were to meet the requirements laid out as in Secretary Rice's statement. Under section 107, however, India's transfers of missile or missile-related equipment, technology and technical data, remain for now subject to U.S. sanctions if they should violate subsection 73(a) of the AECA.

Section 108. Technical amendment

Sec. 108 is a technical amendment regarding Section 1112(c)(4) of the Arms Control and Nonproliferation Authorization Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-486).

Section 109. United States-India Scientific Cooperative Nuclear Nonproliferation Program

Section 109 authorizes the Secretary of Energy to establish a cooperative nuclear nonproliferation program to pursue jointly with scientists from the United States and India a program to further common nuclear nonproliferation goals, including scientific research and development efforts, with an emphasis on nuclear safeguards. The conferees believe that there are exciting opportunities for cooperative efforts between U.S. and Indian scientists and engineers in this area, and they hope that the two countries' civil nuclear power experts, in particular, will share new ideas and best practices for the benefit of all. Section 109 is not intended to create an obligation for India to meet, but rather to open an avenue for increased cooperation on topics of concern to both countries.

Subsection (c) mandates that the Secretary of Energy enter into an agreement with the National Academies to develop recommendations for the implementation of the cooperative nonproliferation program. The National Academies, which include, inter alia, the National Academy of Sciences, the National Academy of Engineering, and the National Research Council, have a long and distinguished history of cooperation with Indian scientists and are skilled at building bridges to further joint efforts. The conferees encourage the Secretary of Energy to arrange for this National Academies assistance in the coming months, even if funds for the cooperative program cannot be appropriated until fiscal year 2008.

Section 110. Definitions

Section 110 defines terms used in this Act.

TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

Title II is a Senate provision, based almost entirely upon S. 2489, the U.S. Additional Protocol Implementation Act, reported by the Senate Committee on Foreign Relations on April 3, 2006, in Senate Report 109-226. It implements the Additional Protocol between the United States and the International Atomic Energy Agency (T. Doc. 107-7), to which the Senate gave advice and consent to ratification on March 31, 2004.

The Senate adopted amendments to the S. 2489 text when it was debated as title II of this bill, and the conferees recommend a small number of further amendments. The conferees hereby incorporate by reference Senate Report 109-226, except where provisions were later amended either in the Senate or by the conferees.

Sections 252 and 253 were modified by the Senate, principally to require that location-specific IAEA environmental sampling not be permitted in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapon state. The conferees are persuaded that the IAEA is unlikely to propose such sampling, given that the United States, as a nuclear weapon state, is not

barred from using fissile material for military purposes.

The conferees are further persuaded that these sections will not prevent the United States from fulfilling its obligations under the Additional Protocol. This is true even though section 254, also added by the Senate, limits the purposes that may be construed as covered by the phrase "necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapon state."

Subtitle F of title II, Protection of National Security Information and Activities, was added by the Senate. Section 261(a) provides that no current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol. Similarly, under section 261(b), no information of direct national security significance regarding such locations, sites, or facilities shall be provided under the Additional Protocol. These requirements parallel statements that Administration officials have made for several years regarding how the Additional Protocol's national security exemption will be implemented.

Sections 261(c) and 261(d) provide that nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 or of national security information and other classified information. These provisions parallel an understanding in the resolution of ratification approved by the Senate in 2004 that the Additional Protocol does not require any such disclosure. The conferees note that these provisions do not bar the Executive branch, however, from using any other authority that it may possess to provide classified information to the IAEA.

Section 262(a) provides that no national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement. Both the Additional Protocol and the underlying U.S.-IAEA safeguards agreement allow the United States to bar individual inspectors from engaging in inspections in the United States, and the United States has routinely exercised that right as appropriate. The conferees know of no occasion on which a national of a state sponsor of terrorism has conducted an IAEA inspection in this country.

Section 262(b) requires that IAEA inspectors be accompanied at all times by U.S. Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol. The conferees understand that this provision will not require any change in current practices.

Section 262(c) provides that the President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol. The conferees understand that once this title is enacted, the Executive branch will resume such assessments.

Subtitle G of title II provides for several reports from the Executive branch. Sections 271 through 273 provide for prior notice of sites, locations, facilities, and activities in

the United States to be declared to the IAEA or removed from that status, along with the reasons for those decisions; and certification that the necessary security assessments have been conducted and appropriate measures taken to ensure that information of direct national security significance will not be compromised.

Section 274 provides for reports on: measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon States Party; and on assistance that has been provided or should be provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon States Party and the verification of the compliance of such parties with IAEA obligations, with a plan for providing any needed additional funding. The conferees believe that the safeguards function is a vital element of U.S. nonproliferation policy and urge the Executive branch to maintain robust funding for U.S. assistance to the IAEA, taking into account the continuing need for improved safeguards in countries of concern, the additional safeguards load that the IAEA will have to bear when India begins to engage in large-scale civil nuclear commerce, and the likely advent of additional safeguards requirements as the world moves to increase nuclear power production.

Section 275 provides that the President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol. Article 10 says that the IAEA shall inform the United States of activities carried out under the Additional Protocol, including those in response to questions or inconsistencies the IAEA had brought to the attention of the United States, the results of those IAEA activities, and the conclusions that the IAEA has drawn. Article 10 notifications will take place at least annually.

HENRY HYDE,
JOHN BOEHNER,
TOM LANTOS,

Managers on Part of the House.

RICHARD G. LUGAR,
CHUCK HAGEL,
GEORGE ALLEN,
BILL FRIST,
JOE BIDEN,
CHRIS DODD,

Managers on the Part of the Senate.

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006

Mr. SOUDER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6344) to reauthorize the Office of National Drug Control Policy Act, as amended.

The Clerk read as follows:

H.R. 6344

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

SECTION 1. SHORT TITLE, REFERENCE, AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Office of National Drug Control Policy Reauthorization Act of 2006".

(b) AMENDMENT OF OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other pro-

vision, the reference shall be considered to be made to a section or other provision of the Office of National Drug Control Policy Reauthorization Act of 1998 (Public Law 105-277; 21 U.S.C. 1701 et seq.).

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

Sec. 1. Short title, reference, and table of contents.

TITLE I—ORGANIZATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY AND ROLES AND RESPONSIBILITIES

- Sec. 101. Amendments to definitions.
- Sec. 102. Establishment of the Office of National Drug Control Policy.
- Sec. 103. Appointment and responsibilities of the Director.
- Sec. 104. Amendments to ensure coordination with other agencies.
- Sec. 105. Budgetary matters.

TITLE II—THE NATIONAL DRUG CONTROL STRATEGY

- Sec. 201. Annual preparation and submission of National Drug Control Strategy.
- Sec. 202. Performance measurements.
- Sec. 203. Annual report requirement.

TITLE III—HIGH INTENSITY DRUG TRAFFICKING AREAS

- Sec. 301. High Intensity Drug Trafficking Areas Program.
- Sec. 302. Funding for certain high intensity drug trafficking areas.
- Sec. 303. Assessment.

TITLE IV—TECHNOLOGY

- Sec. 401. Counterdrug Technology Assessment Center.

TITLE V—NATIONAL YOUTH MEDIA CAMPAIGN

- Sec. 501. National Youth Anti-Drug Media Campaign.

TITLE VI—AUTHORIZATIONS AND EXTENSION OF TERMINATION DATE

- Sec. 601. Authorization of appropriations.
- Sec. 602. Extension of termination date.

TITLE VII—ANTI-DOPING AGENCY

- Sec. 701. Designation of United States Anti-Doping Agency.
- Sec. 702. Records, audit, and report.
- Sec. 703. Authorization of appropriations.

TITLE VIII—DRUG-FREE COMMUNITIES

- Sec. 801. Reauthorization.
- Sec. 802. Suspension of grants.
- Sec. 803. Grant award increase.
- Sec. 804. Prohibition on additional eligibility criteria.
- Sec. 805. National Community Anti-Drug Coalition Institute.

TITLE IX—NATIONAL GUARD COUNTERDRUG SCHOOLS

- Sec. 901. National Guard counterdrug schools.

TITLE X—NATIONAL METHAMPHETAMINE INFORMATION CLEARINGHOUSE ACT OF 2006

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. Establishment of clearinghouse and advisory council.
- Sec. 1004. NMIC requirements and review.
- Sec. 1005. Authorization of appropriations.

TITLE XI—MISCELLANEOUS PROVISIONS

- Sec. 1101. Repeals.
- Sec. 1102. Controlled Substances Act amendments.
- Sec. 1103. Report on law enforcement intelligence sharing.
- Sec. 1104. Requirement for South American heroin strategy.
- Sec. 1105. Model acts.
- Sec. 1106. Study on iatrogenic addiction associated with prescription opioid analgesic drugs.

- Sec. 1107. Requirement for strategy to stop Internet advertising of prescription medicines without a prescription.
- Sec. 1108. Requirement for study on diversion and inappropriate uses of prescription drugs.
- Sec. 1109. Requirement for Afghan Heroin Strategy.
- Sec. 1110. Requirement for Southwest Border Counternarcotics Strategy.
- Sec. 1111. Requirement for Scientific Study of Mycoherbicide in Illicit Drug Crop Eradication.
- Sec. 1112. Requirement for Study of State Precursor Chemical Control Laws.
- Sec. 1113. Requirement for Study of Drug Endangered Children Programs.
- Sec. 1114. Study on drug court hearings in nontraditional places.
- Sec. 1115. Report on tribal Government participation in HIDTA process.
- Sec. 1116. Report on school drug testing.
- Sec. 1117. Report on ONDCP performance bonuses.
- Sec. 1118. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communication materials.
- Sec. 1119. Awards for demonstration programs by local partnerships to coerce abstinence in chronic hard-drug users under community supervision through the use of drug testing and sanctions.
- Sec. 1120. Policy relating to syringe exchange programs.

TITLE I—ORGANIZATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY AND ROLES AND RESPONSIBILITIES

SEC. 101. AMENDMENTS TO DEFINITIONS.

(a) DEMAND REDUCTION.—Section 702(1) is amended—

(1) in subparagraph (F), by striking “and” after the semicolon;

(2) in paragraph (G), by striking the period at the end and inserting “, including the testing of employees;”; and

(3) by adding at the end the following:

“(H) interventions for drug abuse and dependence;

“(I) international drug control coordination and cooperation with respect to activities described in this paragraph; and

“(J) international drug abuse education, prevention, treatment, research, rehabilitation activities, and interventions for drug abuse and dependence.”.

(b) NATIONAL DRUG CONTROL PROGRAM.—Section 702(6) is amended by adding before the period the following: “, including any activities involving supply reduction, demand reduction, or State, local, and tribal affairs”.

(c) PROGRAM CHANGE.—Section 702(7) is amended by—

(1) striking “National Foreign Intelligence Program,” and inserting “National Intelligence Program,”; and

(2) inserting after “Related Activities,” the following: “or (for purposes of section 704(d)) an agency that is described in section 530C(a) of title 28, United States Code.”.

(d) OFFICE.—Section 702(9) is amended by striking “implicates” and inserting “indicates”.

(e) STATE, LOCAL, AND TRIBAL AFFAIRS.—Paragraph (10) of section 702 is amended to read as follows:

“(10) STATE, LOCAL, AND TRIBAL AFFAIRS.—The term ‘State, local, and tribal affairs’ means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of illegal drugs, including—

“(A) coordination and enhancement of Federal, State, local, and tribal law enforcement drug control efforts;

“(B) coordination and enhancement of efforts among National Drug Control Program agencies and State, local, and tribal demand reduction and supply reduction agencies;

“(C) coordination and enhancement of Federal, State, local, and tribal law enforcement initiatives to gather, analyze, and disseminate information and law enforcement intelligence relating to drug control among domestic law enforcement agencies; and

“(D) other coordinated and joint initiatives among Federal, State, local, and tribal agencies to promote comprehensive drug control strategies designed to reduce the demand for, and the availability of, illegal drugs.”.

(f) SUPPLY REDUCTION.—Section 702(11) is amended to read as follows:

“(11) SUPPLY REDUCTION.—The term ‘supply reduction’ means any activity or program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of illegal drugs in the United States or abroad, including—

“(A) law enforcement outside the United States;

“(B) source country programs, including economic development programs primarily intended to reduce the production or trafficking of illicit drugs;

“(C) activities to control international trafficking in, and availability of, illegal drugs, including—

“(i) accurate assessment and monitoring of international drug production and interdiction programs and policies; and

“(ii) coordination and promotion of compliance with international treaties relating to the production, transportation, or interdiction of illegal drugs;

“(D) activities to conduct and promote international law enforcement programs and policies to reduce the supply of drugs; and

“(E) activities to facilitate and enhance the sharing of domestic and foreign intelligence information among National Drug Control Program agencies, relating to the production and trafficking of drugs in the United States and in foreign countries.”.

(g) DEFINITIONS OF APPROPRIATE CONGRESSIONAL COMMITTEES AND LAW ENFORCEMENT.—Section 702 is amended by adding at the end the following:

“(12) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except where otherwise provided, the term ‘appropriate congressional committees’ means the Committee on the Judiciary, the Committee on Appropriations, and the Caucus on International Narcotics Control of the Senate and the Committee on Government Reform, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

“(13) LAW ENFORCEMENT.—The term ‘law enforcement’ or ‘drug law enforcement’ means all efforts by a Federal, State, local, or tribal government agency to enforce the drug laws of the United States or any State, including investigation, arrest, prosecution, and incarceration or other punishments or penalties.”.

SEC. 102. ESTABLISHMENT OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) RESPONSIBILITIES.—Section 703(a) is amended to read as follows:

“(a) ESTABLISHMENT OF OFFICE.—There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—

“(1) develop national drug control policy;

“(2) coordinate and oversee the implementation of the national drug control policy;

“(3) assess and certify the adequacy of National Drug Control Programs and the budget for those programs; and

“(4) evaluate the effectiveness of the national drug control policy and the National Drug Control Program agencies’ programs,

by developing and applying specific goals and performance measurements.”.

(b) POSITIONS.—Section 703(b) is amended to read as follows:

“(b) DIRECTOR OF NATIONAL DRUG CONTROL POLICY AND DEPUTY DIRECTORS.—

“(1) DIRECTOR.—There shall be a Director of National Drug Control Policy who shall head the Office (referred to in this Act as the ‘Director’) and shall hold the same rank and status as the head of an executive department listed in section 101 of title 5, United States Code.

“(2) DEPUTY DIRECTOR.—There shall be a Deputy Director of National Drug Control Policy who shall report directly to the Director (referred to in this Act as the ‘Deputy Director’).

“(3) OTHER DEPUTY DIRECTORS.—

“(A) IN GENERAL.—There shall be a Deputy Director for Demand Reduction, a Deputy Director for Supply Reduction, and a Deputy Director for State, Local, and Tribal Affairs.

“(B) REPORTING.—The Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall report directly to the Deputy Director of the Office of National Drug Control Policy.

“(C) DEPUTY DIRECTOR FOR DEMAND REDUCTION.—The Deputy Director for Demand Reduction shall be responsible for the activities in subparagraphs (A) through (H) of section 702(1).

“(D) DEPUTY DIRECTOR FOR SUPPLY REDUCTION.—The Deputy Director for Supply Reduction shall—

“(i) have substantial experience and expertise in drug interdiction and other supply reduction activities; and

“(ii) be responsible for the activities in subparagraphs (A) through (C) in section 702(11).

“(E) DEPUTY DIRECTOR FOR STATE, LOCAL, AND TRIBAL AFFAIRS.—The Deputy Director for State, Local, and Tribal Affairs shall be responsible for the activities—

“(i) in subparagraphs (A) through (D) of section 702(10);

“(ii) in section 707, the High Intensity Drug Trafficking Areas Program; and

“(iii) in section 708, the Counterdrug Technology Assessment Center.”.

SEC. 103. APPOINTMENT AND RESPONSIBILITIES OF THE DIRECTOR.

(a) SUCCESSION.—Section 704(a) is amended by amending paragraph (3) to read as follows:

“(3) ACTING DIRECTOR.—If the Director dies, resigns, or is otherwise unable to perform the functions and duties of the office, the Deputy Director shall perform the functions and duties of the Director temporarily in an acting capacity pursuant to subchapter III of chapter 33 of title 5, United States Code.”.

(b) RESPONSIBILITIES.—Section 704(b) is amended—

(1) in paragraph (4), by striking “Federal departments and agencies engaged in drug enforcement” and inserting “National Drug Control Program agencies”; and

(2) in paragraph (7), by inserting after “President” the following: “and the appropriate congressional committees”;

(3) in paragraph (13), by striking “(beginning in 1999)”;

(4) by striking paragraph (14) and inserting the following:

“(14) shall submit to the appropriate congressional committees on an annual basis, not later than 60 days after the date of the last day of the applicable period, a summary of—

“(A) each of the evaluations received by the Director under paragraph (13); and

“(B) the progress of each National Drug Control Program agency toward the drug control program goals of the agency using

the performance measures for the agency developed under section 706(c);”;

(5) in paragraph (15), by striking subparagraph (C) and inserting the following:

“(C) supporting the substance abuse information clearinghouse administered by the Administrator of the Substance Abuse and Mental Health Services Administration and established in section 501(d)(16) of the Public Health Service Act by—

“(i) encouraging all National Drug Control Program agencies to provide all appropriate and relevant information; and

“(ii) supporting the dissemination of information to all interested entities;”;

(6) by inserting at the end the following:

“(16) shall coordinate with the private sector to promote private research and development of medications to treat addiction;

“(17) shall seek the support and commitment of State, local, and tribal officials in the formulation and implementation of the National Drug Control Strategy;

“(18) shall monitor and evaluate the allocation of resources among Federal law enforcement agencies in response to significant local and regional drug trafficking and production threats;

“(19) shall submit an annual report to Congress detailing how the Office of National Drug Control Policy has consulted with and assisted State, local, and tribal governments with respect to the formulation and implementation of the National Drug Control Strategy and other relevant issues; and

“(20) shall, within 1 year after the date of the enactment of the Office of National Drug Control Policy Reauthorization Act of 2006, report to Congress on the impact of each Federal drug reduction strategy upon the availability, addiction rate, use rate, and other harms of illegal drugs.”.

(c) REVIEW AND CERTIFICATION OF NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3) is amended—

(1) in subparagraph (C)(iii), by inserting “and the appropriate congressional committees,” after “House of Representatives”; and

(2) in subparagraph (D)(ii)(II)(bb), by inserting “and the appropriate congressional committees,” after “House of Representatives”.

(d) POWERS OF DIRECTOR.—Section 704(d) is amended—

(1) in paragraph (9), by striking “Strategy; and” and inserting “Strategy and notify the appropriate congressional committees of any fund control notice issued in accordance with section 704(f)(5);”; and

(2) in paragraph (10), by inserting before the period the following: “and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j-1)”.

(e) FUND CONTROL NOTICES.—Section 704(f) is amended by adding at the end the following:

“(4) CONGRESSIONAL NOTICE.—A copy of each fund control notice shall be transmitted to the appropriate congressional committees.

“(5) RESTRICTIONS.—The Director shall not issue a fund control notice to direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated, modified, or altered in any manner—

“(A) contrary, in whole or in part, to a specific appropriation; or

“(B) contrary, in whole or in part, to the expressed intent of Congress.”.

(f) DRUG INTERDICTION.—

(1) IN GENERAL.—Section 711 is amended by adding at the end the following:

“SEC. 711. DRUG INTERDICTION COORDINATOR AND COMMITTEE.

“(a) UNITED STATES INTERDICTION COORDINATOR.—

“(1) IN GENERAL.—The United States Interdiction Coordinator shall perform the duties of that position described in paragraph (2) and such other duties as may be determined by the Director with respect to coordination of efforts to interdict illicit drugs from entering the United States.

“(2) RESPONSIBILITIES.—The United States Interdiction Coordinator shall be responsible to the Director for—

“(A) coordinating the interdiction activities of the National Drug Control Program agencies to ensure consistency with the National Drug Control Strategy;

“(B) on behalf of the Director, developing and issuing, on or before March 1 of each year and in accordance with paragraph (3), a National Interdiction Command and Control Plan to ensure the coordination and consistency described in subparagraph (A);

“(C) assessing the sufficiency of assets committed to illicit drug interdiction by the relevant National Drug Control Program agencies; and

“(D) advising the Director on the efforts of each National Drug Control Program agency to implement the National Interdiction Command and Control Plan.

“(3) STAFF.—The Director shall assign such permanent staff of the Office as he considers appropriate to assist the United States Interdiction Coordinator to carry out the responsibilities described in paragraph (2), and may also, at his discretion, request that appropriate National Drug Control Program agencies detail or assign staff to the Office of Supply Reduction for that purpose.

“(4) NATIONAL INTERDICTION COMMAND AND CONTROL PLAN.—

“(A) PURPOSES.—The National Interdiction Command and Control Plan shall—

“(i) set forth the Government’s strategy for drug interdiction;

“(ii) state the specific roles and responsibilities of the relevant National Drug Control Program agencies for implementing that strategy; and

“(iii) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

“(B) CONSULTATION WITH OTHER AGENCIES.—The United States Interdiction Coordinator shall issue the National Interdiction Command and Control Plan in consultation with the other members of the Interdiction Committee described in subsection (b).

“(C) LIMITATION.—The National Interdiction Command and Control Plan shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

“(D) REPORT TO CONGRESS.—On or before March 1 of each year, the United States Interdiction Coordinator shall provide a report on behalf of the Director to the appropriate congressional committees, to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate, which shall include—

“(i) a copy of that year’s National Interdiction Command and Control Plan;

“(ii) information for the previous 10 years regarding the number and type of seizures of drugs by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas of such seizures; and

“(iii) information for the previous 10 years regarding the number of air and maritime patrol hours undertaken by each National Drug Control Program agency conducting drug interdiction activities, as well as statis-

tical information on the geographic areas in which such patrol hours took place.

“(E) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the report described in subparagraph (D) that involves information classified under criteria established by an Executive order, or the public disclosure of which, as determined by the Director, the Director of National Intelligence, or the head of any Federal Government agency the activities of which are described in the plan, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the report.

“(b) INTERDICTION COMMITTEE.—

“(1) IN GENERAL.—The Interdiction Committee shall meet to—

“(A) discuss and resolve issues related to the coordination, oversight and integration of international, border, and domestic drug interdiction efforts in support of the National Drug Control Strategy;

“(B) review the annual National Interdiction Command and Control Plan, and provide advice to the Director and the United States Interdiction Coordinator concerning that plan; and

“(C) provide such other advice to the Director concerning drug interdiction strategy and policies as the committee determines is appropriate.

“(2) CHAIRMAN.—The Director shall designate one of the members of the Interdiction Committee to serve as chairman.

“(3) MEETINGS.—The members of the Interdiction Committee shall meet, in person and not through any delegate or representative, at least once per calendar year, prior to March 1. At the call of either the Director or the current chairman, the Interdiction Committee may hold additional meetings, which shall be attended by the members either in person, or through such delegates or representatives as they may choose.

“(4) REPORT.—Not later than September 30 of each year, the chairman of the Interdiction Committee shall submit a report to the Director and to the appropriate congressional committees describing the results of the meetings and any significant findings of the Committee during the previous 12 months. Any content of such a report that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director, the chairman, or any member, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the report, by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.”.

(2) CONFORMING AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458) is amended—

(A) in subsection (c), by striking “Except as provided in subsection (d), the” and inserting “The”; and

(B) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(3) TECHNICAL AMENDMENTS.—Section 704 (21 U.S.C. 1703) is amended—

(A) by amending subsection (g) to read as follows:

“(g) INAPPLICABILITY TO CERTAIN PROGRAMS.—The provisions of this section shall not apply to the National Intelligence Program, the Joint Military Intelligence Program, and Tactical and Related Activities, unless such program or an element of such program is designated as a National Drug Control Program—

“(1) by the President; or

“(2) jointly by—

“(A) in the case of the National Intelligence Program, the Director and the Director of National Intelligence; or

“(B) in the case of the Joint Military Intelligence Program and Tactical and Related Activities, the Director, the Director of National Intelligence, and the Secretary of Defense.”; and

(B) by amending subsection (h) to read as follows:

“(h) CONSTRUCTION.—Nothing in this Act shall be construed as derogating the authorities and responsibilities of the Director of National Intelligence or the Director of the Central Intelligence Agency contained in the National Security Act of 1947 (50 U.S.C. 401 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or any other law.”.

SEC. 104. AMENDMENTS TO ENSURE COORDINATION WITH OTHER AGENCIES.

Section 705 is amended—

(1) in subsection (a)(1)(A), by striking “abuse”;

(2) in subsection (a)(2)(A), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(3) in subsection (a)(2)(B), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence and the Director of the Central Intelligence Agency”;

(4) by amending subsection (a)(3) to read as follows:

“(3) REQUIRED REPORTS.—

“(A) SECRETARIES OF THE INTERIOR AND AGRICULTURE.—Not later than July 1 of each year, the Secretaries of Agriculture and the Interior shall jointly submit to the Director and the appropriate congressional committees an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

“(B) SECRETARY OF HOMELAND SECURITY.—Not later than July 1 of each year, the Secretary of Homeland Security shall submit to the Director and the appropriate congressional committees information for the preceding year regarding—

“(i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and

“(ii) the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Homeland Security.

“(C) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.

“(D) ATTORNEY GENERAL.—The Attorney General shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number and type of—

“(i) arrests for drug violations;

“(ii) prosecutions for drug violations by United States Attorneys; and

“(iii) seizures of drugs by each component of the Department of Justice seizing drugs, as well as statistical information on the geographic areas of such seizures.”;

(5) in subsection (b)(2)(B), by striking “Program” and inserting “Strategy”; and

(6) in subsection (c), by striking “in” and inserting “on”.

SEC. 105. BUDGETARY MATTERS.

(a) SUBMISSION OF DRUG CONTROL BUDGET REQUESTS.—Section 704(c)(1) is amended by adding at the end the following:

“(C) CONTENT OF DRUG CONTROL BUDGET REQUESTS.—A drug control budget request submitted by a department, agency, or program under this paragraph shall include all requests for funds for any drug control activity undertaken by that department, agency, or program, including demand reduction, supply reduction, and State, local, and tribal affairs, including any drug law enforcement activities. If an activity has both drug control and nondrug control purposes or applications, the department, agency, or program shall estimate by a documented calculation the total funds requested for that activity that would be used for drug control, and shall set forth in its request the basis and method for making the estimate.”.

(b) NATIONAL DRUG CONTROL BUDGET PROPOSAL.—

(1) NATIONAL ORGANIZATIONS.—Section 704(c)(2) is amended by inserting “and the head of each major national organization that represents law enforcement officers, agencies, or associations” after “agency”.

(2) TOTAL BUDGET.—Section 704(c)(2)(A) is amended by inserting before the semicolon: “and to inform Congress and the public about the total amount proposed to be spent on all supply reduction, demand reduction, State, local, and tribal affairs, including any drug law enforcement, and other drug control activities by the Federal Government, which shall conform to the content requirements set forth in paragraph (1)(C)”.

(c) REVIEW AND CERTIFICATION OF NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIFIC REQUESTS.—The Director shall not confirm the adequacy of any budget request that—

“(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities;

“(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement;

“(iii) requests funding for drug treatment activities that do not provide adequate results and accountability measures;

“(iv) requests funding for any activities of the Safe and Drug-Free Schools Program that do not include a clear anti-drug message or purpose intended to reduce drug use;

“(v) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity;

“(vi) requests funding for fiscal year 2007 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance; and

“(vii) requests funding for the operations and management of the Department of

Homeland Security that does not include a specific request for funds for the Office of Counternarcotics Enforcement to carry out its responsibilities under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).”;

(3) in subparagraph (D)(iii), as so redesignated, by inserting “and the appropriate congressional committees” after “House of Representatives”; and

(4) in subparagraph (E)(ii)(II)(bb), as so redesignated, by inserting “and the appropriate congressional committees” after “House of Representatives”.

(d) REPROGRAMMING AND TRANSFER REQUESTS.—Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended—

(1) by striking “\$5,000,000” and inserting “\$1,000,000”; and

(2) adding at the end the following: “If the Director has not responded to a request for reprogramming subject to this subparagraph within 30 days after receiving notice of the request having been made, the request shall be deemed approved by the Director under this subparagraph and forwarded to Congress.”.

(e) POWERS OF DIRECTOR.—Section 704(d) is amended—

(1) in paragraph (8)(D), by striking “have been authorized by Congress;” and inserting “authorized by law;”;

(2) in paragraph (9), by striking “Strategy; and” and inserting “Strategy and notify the appropriate congressional committees of any fund control notice issued; and”;

(3) in paragraph (10), by striking “(22 U.S.C. 2291j).” and inserting “(22 U.S.C. 2291j) and section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1).”.

(f) FUND CONTROL NOTICES.—Section 704(f) (21 U.S.C. 1703(f)) is amended by adding at the end the following:

“(4) CONGRESSIONAL NOTICE.—A copy of each fund control notice shall be transmitted to the appropriate congressional committees.

“(5) RESTRICTIONS.—The Director shall not issue a fund control notice to direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated, modified, or altered in any manner contrary, in whole or in part, to a specific appropriation or statute.”.

TITLE II—THE NATIONAL DRUG CONTROL STRATEGY

SEC. 201. ANNUAL PREPARATION AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.

Section 706 is amended to read as follows:

“SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

“(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

“(1) TIMING.—Not later than February 1 of each year, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan for the year to reduce illicit drug use and the consequences of such illicit drug use in the United States by limiting the availability of, and reducing the demand for, illegal drugs.

“(2) CONTENTS.—

“(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include the following:

“(i) Comprehensive, research-based, long-range, quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States.

“(ii) Annual quantifiable and measurable objectives and specific targets to accomplish long-term quantifiable goals that the Director determines may be achieved during each

year beginning on the date on which the National Drug Control Strategy is submitted.

“(iii) A 5-year projection for program and budget priorities.

“(iv) A review of international, State, local, and private sector drug control activities to ensure that the United States pursues coordinated and effective drug control at all levels of government.

“(v) An assessment of current illicit drug use (including inhalants and steroids) and availability, impact of illicit drug use, and treatment availability, which assessment shall include—

“(I) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of nondependent and dependent illicit drug use;

“(II) illicit drug use in the workplace and the productivity lost by such use; and

“(III) illicit drug use by arrestees, probationers, and parolees.

“(vi) An assessment of the reduction of illicit drug availability, as measured by—

“(I) the quantities of cocaine, heroin, marijuana, methamphetamine, ecstasy, and other drugs available for consumption in the United States;

“(II) the amount of marijuana, cocaine, heroin, methamphetamine, ecstasy, and precursor chemicals and other drugs entering the United States;

“(III) the number of illicit drug manufacturing laboratories seized and destroyed and the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

“(IV) the number of metric tons of marijuana, heroin, cocaine, and methamphetamine seized and other drugs; and

“(V) changes in the price and purity of heroin, methamphetamine, and cocaine, changes in the price of ecstasy, and changes in tetrahydrocannabinol level of marijuana and other drugs.

“(vii) An assessment of the reduction of the consequences of illicit drug use and availability, which shall include—

“(I) the burden illicit drug users placed on hospital emergency departments in the United States, such as the quantity of illicit drug-related services provided;

“(II) the annual national health care cost of illicit drug use; and

“(III) the extent of illicit drug-related crime and criminal activity.

“(viii) A determination of the status of drug treatment in the United States, by assessing—

“(I) public and private treatment utilization; and

“(II) the number of illicit drug users the Director estimates meet diagnostic criteria for treatment.

“(ix) A review of the research agenda of the Counterdrug Technology Assessment Center to reduce the availability and abuse of drugs.

“(x) A summary of the efforts made to coordinate with private sector entities to conduct private research and development of medications to treat addiction by—

“(I) screening chemicals for potential therapeutic value;

“(II) developing promising compounds;

“(III) conducting clinical trials;

“(IV) seeking Food and Drug Administration approval for drugs to treat addiction;

“(V) marketing the drug for the treatment of addiction;

“(VI) urging physicians to use the drug in the treatment of addiction; and

“(VII) encouraging insurance companies to reimburse the cost of the drug for the treatment of addiction.

“(xi) An assessment of Federal effectiveness in achieving the National Drug Control

Strategy for the previous year, including a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy.

“(xii) A general review of the status of, and trends in, demand reduction activities by private sector entities and community-based organizations, including faith-based organizations, to determine their effectiveness and the extent of cooperation, coordination, and mutual support between such entities and organizations and Federal, State, local, and tribal government agencies.

“(xiii) Such additional statistical data and information as the Director considers appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences of illicit drug use (including the effects on children of substance abusers), supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy.

“(xiv) A supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

“(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

“(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

“(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

“(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

“(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

“(A) shall consult with—

“(i) the heads of the National Drug Control Program agencies;

“(ii) Congress;

“(iii) State, local, and tribal officials;

“(iv) private citizens and organizations, including community and faith-based organizations with experience and expertise in demand reduction;

“(v) private citizens and organizations with experience and expertise in supply reduction; and

“(vi) appropriate representatives of foreign governments;

“(B) in satisfying the requirements of subparagraph (A), shall ensure, to the maximum extent possible, that State, local, and tribal officials and relevant private organizations commit to support and take steps to achieve the goals and objectives of the National Drug Control Strategy;

“(C) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to support or implement the National Drug Control Strategy; and

“(D) with the concurrence of the Director of National Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks

or projects to support or implement the National Drug Control Strategy.

“(b) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

“(1) at any time, upon a determination of the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

“(2) if a new President or Director takes office.”.

SEC. 202. PERFORMANCE MEASUREMENTS.

Section 706 is amended by adding at the end the following:

“(C) PERFORMANCE MEASUREMENT SYSTEM.—Not later than February 1 of each year, the Director shall submit to Congress as part of the National Drug Control Strategy, a description of a national drug control performance measurement system, that—

“(1) develops 2-year and 5-year performance measures and targets for each National Drug Control Strategy goal and objective established for reducing drug use, availability, and the consequences of drug use;

“(2) describes the sources of information and data that will be used for each performance measure incorporated into the performance measurement system;

“(3) identifies major programs and activities of the National Drug Control Program agencies that support the goals and annual objectives of the National Drug Control Strategy;

“(4) evaluates the contribution of demand reduction and supply reduction activities as defined in section 702 implemented by each National Drug Control Program agency in support of the National Drug Control Strategy;

“(5) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that each agency's goals and budgets support and are fully consistent with the National Drug Control Strategy; and

“(6) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

“(A) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

“(B) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the illicit drug user population, and groups that are at risk for illicit drug use;

“(C) the adequacy of the coverage of existing national treatment outcome monitoring systems to measure the effectiveness of drug abuse treatment in reducing illicit drug use and criminal behavior during and after the completion of substance abuse treatment; and

“(D) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of this subsection.

“(d) MODIFICATIONS.—A description of any modifications made during the preceding year to the national drug performance measurement system described in subsection (c) shall be included in each report submitted under subsection (b).”.

SEC. 203. ANNUAL REPORT REQUIREMENT.

(a) IN GENERAL.—On or before February 1 of each year, the Director shall submit a report to Congress that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished;

(2) steps taken to ensure that the national media campaign operates in an effective and

efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;

(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;

(6) specific policies and steps implemented to ensure compliance with title IV of this Act;

(7) steps taken to ensure that the national media campaign will secure, to the maximum extent possible, no cost matches of advertising time and space or in-kind contributions that are directly related to the campaign in accordance with title IV of this Act; and

(8) a review and evaluation of the effectiveness of the national media campaign strategy for the past year.

(b) **AUDIT.**—The Government Accountability Office shall, at a frequency of not less than once per year—

(1) conduct and supervise an audit and investigation relating to the programs and operations of the—

(A) Office; or

(B) certain programs within the Office, including—

(i) the High Intensity Drug Trafficking Areas Program;

(ii) the Counterdrug Technology Assessment Center; or

(iii) the National Youth Anti-drug Media Campaign; and

(2) provide the Director and the appropriate congressional committees with a report containing an evaluation of and recommendations on the—

(A) policies and activities of the programs and operations subject to the audit and investigation;

(B) economy, efficiency, and effectiveness in the administration of the reviewed programs and operations; and

(C) policy or management changes needed to prevent and detect fraud and abuse in such programs and operations.

TITLE III—HIGH INTENSITY DRUG TRAFFICKING AREAS

SEC. 301. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

Section 707 is amended to read as follows: “**SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.**

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the ‘Program’).

“(2) **PURPOSE.**—The purpose of the Program is to reduce drug trafficking and drug production in the United States by—

“(A) facilitating cooperation among Federal, State, local, and tribal law enforcement agencies to share information and implement coordinated enforcement activities;

“(B) enhancing law enforcement intelligence sharing among Federal, State, local, and tribal law enforcement agencies;

“(C) providing reliable law enforcement intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

“(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.

“(b) **DESIGNATION.**—

“(1) **IN GENERAL.**—The Director, in consultation with the Attorney General, the

Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

“(2) **ACTIVITIES.**—After making a designation under paragraph (1) and in order to provide Federal assistance to the area so designated, the Director may—

“(A) obligate such sums as are appropriated for the Program;

“(B) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

“(C) take any other action authorized under section 704 to provide increased Federal assistance to those areas; and

“(D) coordinate activities under this section (specifically administrative, record-keeping, and funds management activities) with State, local, and tribal officials.

“(c) **PETITIONS FOR DESIGNATION.**—The Director shall establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area. Such regulations shall provide for a regular review by the Director of the petition, including a recommendation regarding the merit of the petition to the Director by a panel of qualified, independent experts.

“(d) **FACTORS FOR CONSIDERATION.**—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

“(1) the area is a significant center of illegal drug production, manufacturing, importation, or distribution;

“(2) State, local, and tribal law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

“(3) drug-related activities in the area are having a significant harmful impact in the area, and in other areas of the country; and

“(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

“(e) **ORGANIZATION OF HIGH INTENSITY DRUG TRAFFICKING AREAS.**—

“(1) **EXECUTIVE BOARD AND OFFICERS.**—To be eligible for funds appropriated under this section, each high intensity drug trafficking area shall be governed by an Executive Board. The Executive Board shall designate a chairman, vice chairman, and any other officers to the Executive Board that it determines are necessary.

“(2) **RESPONSIBILITIES.**—The Executive Board of a high intensity drug trafficking area shall be responsible for—

“(A) providing direction and oversight in establishing and achieving the goals of the high intensity drug trafficking area;

“(B) managing the funds of the high intensity drug trafficking area;

“(C) reviewing and approving all funding proposals consistent with the overall objective of the high intensity drug trafficking area; and

“(D) reviewing and approving all reports to the Director on the activities of the high intensity drug trafficking area.

“(3) **BOARD REPRESENTATION.**—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership or region of a high intensity drug trafficking area, if the Executive Board for such area, region, or

partnership, does not apportion an equal number of votes between representatives of participating Federal agencies and representatives of participating State, local, and tribal agencies. Where it is impractical for an equal number of representatives of Federal agencies and State, local, and tribal agencies to attend a meeting of an Executive Board in person, the Executive Board may use a system of proxy votes or weighted votes to achieve the voting balance required by this paragraph.

“(4) **NO AGENCY RELATIONSHIP.**—The eligibility requirements of this section are intended to ensure the responsible use of Federal funds. Nothing in this section is intended to create an agency relationship between individual high intensity drug trafficking areas and the Federal Government.

“(f) **USE OF FUNDS.**—The Director shall ensure that no Federal funds appropriated for the Program are expended for the establishment or expansion of drug treatment programs, and shall ensure that not more than 5 percent of the Federal funds appropriated for the Program are expended for the establishment of drug prevention programs.

“(g) **COUNTERTERRORISM ACTIVITIES.**—

“(1) **ASSISTANCE AUTHORIZED.**—The Director may authorize use of resources available for the Program to assist Federal, State, local, and tribal law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively with respect to such investigations and activities that are also related to drug trafficking.

“(2) **LIMITATION.**—The Director shall ensure—

“(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

“(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism, except on a temporary basis under extraordinary circumstances, as determined by the Director.

“(h) **ROLE OF DRUG ENFORCEMENT ADMINISTRATION.**—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

“(i) **ANNUAL HIDTA PROGRAM BUDGET SUBMISSIONS.**—As part of the documentation that supports the President’s annual budget request for the Office, the Director shall submit to Congress a budget justification that includes—

“(1) the amount proposed for each high intensity drug trafficking area, conditional upon a review by the Office of the request submitted by the HIDTA and the performance of the HIDTA, with supporting narrative descriptions and rationale for each request;

“(2) a detailed justification that explains—

“(A) the reasons for the proposed funding level; how such funding level was determined based on a current assessment of the drug trafficking threat in each high intensity drug trafficking area;

“(B) how such funding will ensure that the goals and objectives of each such area will be achieved; and

“(C) how such funding supports the National Drug Control Strategy; and

“(3) the amount of HIDTA funds used to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year, and a description of how those funds were used.

“(j) **EMERGING THREAT RESPONSE FUND.**—

“(1) **IN GENERAL.**—Subject to the availability of appropriations, the Director may

expend up to 10 percent of the amounts appropriated under this section on a discretionary basis, to respond to any emerging drug trafficking threat in an existing high intensity drug trafficking area, or to establish a new high intensity drug trafficking area or expand an existing high intensity drug trafficking area, in accordance with the criteria established under paragraph (2).

“(2) CONSIDERATION OF IMPACT.—In allocating funds under this subsection, the Director shall consider—

“(A) the impact of activities funded on reducing overall drug traffic in the United States, or minimizing the probability that an emerging drug trafficking threat will spread to other areas of the United States; and

“(B) such other criteria as the Director considers appropriate.

“(k) EVALUATION.—

“(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this section, the Director shall, after consulting with the Executive Boards of each designated high intensity drug trafficking area, submit a report to Congress that describes, for each designated high intensity drug trafficking area—

“(A) the specific purposes for the high intensity drug trafficking area;

“(B) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area;

“(C) the measurements that will be used to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals; and

“(D) the reporting requirements needed to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals.

“(2) EVALUATION OF HIDTA PROGRAM AS PART OF NATIONAL DRUG CONTROL STRATEGY.—For each designated high intensity drug trafficking area, the Director shall submit, as part of the annual National Drug Control Strategy report, a report that—

“(A) describes—

“(i) the specific purposes for the high intensity drug trafficking area; and

“(ii) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area; and

“(B) includes an evaluation of the performance of the high intensity drug trafficking area in accomplishing the specific long-term and short-term goals and objectives identified under paragraph (1)(B).

“(l) ASSESSMENT OF DRUG ENFORCEMENT TASK FORCES IN HIGH INTENSITY DRUG TRAFFICKING AREAS.—Not later than 1 year after the date of enactment of this subsection, and as part of each subsequent annual National Drug Control Strategy report, the Director shall submit to Congress a report—

“(1) assessing the number and operation of all federally funded drug enforcement task forces within each high intensity drug trafficking area; and

“(2) describing—

“(A) each Federal, State, local, and tribal drug enforcement task force operating in the high intensity drug trafficking area;

“(B) how such task forces coordinate with each other, with any high intensity drug trafficking area task force, and with investigations receiving funds from the Organized Crime and Drug Enforcement Task Force;

“(C) what steps, if any, each such task force takes to share information regarding drug trafficking and drug production with other federally funded drug enforcement task forces in the high intensity drug trafficking area;

“(D) the role of the high intensity drug trafficking area in coordinating the sharing of such information among task forces;

“(E) the nature and extent of cooperation by each Federal, State, local, and tribal participant in ensuring that such information is shared among law enforcement agencies and with the high intensity drug trafficking area;

“(F) the nature and extent to which information sharing and enforcement activities are coordinated with joint terrorism task forces in the high intensity drug trafficking area; and

“(G) any recommendations for measures needed to ensure that task force resources are utilized efficiently and effectively to reduce the availability of illegal drugs in the high intensity drug trafficking areas.

“(m) ASSESSMENT OF LAW ENFORCEMENT INTELLIGENCE SHARING IN HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.—Not later than 180 days after the date of the enactment of this section, and as part of each subsequent annual National Drug Control Strategy report, the Director, in consultation with the Director of National Intelligence, shall submit to Congress a report—

“(1) evaluating existing and planned law enforcement intelligence systems supported by each high intensity drug trafficking area, or utilized by task forces receiving any funding under the Program, including the extent to which such systems ensure access and availability of law enforcement intelligence to Federal, State, local, and tribal law enforcement agencies within the high intensity drug trafficking area and outside of it;

“(2) the extent to which Federal, State, local, and tribal law enforcement agencies participating in each high intensity drug trafficking area are sharing law enforcement intelligence information to assess current drug trafficking threats and design appropriate enforcement strategies; and

“(3) the measures needed to improve effective sharing of information and law enforcement intelligence regarding drug trafficking and drug production among Federal, State, local, and tribal law enforcement participating in a high intensity drug trafficking area, and between such agencies and similar agencies outside the high intensity drug trafficking area.

“(n) COORDINATION OF LAW ENFORCEMENT INTELLIGENCE SHARING WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PROGRAM.—The Director, in consultation with the Attorney General, shall ensure that any drug enforcement intelligence obtained by the Intelligence Support Center for each high intensity drug trafficking area is shared, on a timely basis, with the drug intelligence fusion center operated by the Organized Crime Drug Enforcement Task Force of the Department of Justice.

“(o) USE OF FUNDS TO COMBAT METHAMPHETAMINE TRAFFICKING.—

“(1) REQUIREMENT.—As part of the documentation that supports the President's annual budget request for the Office, the Director shall submit to Congress a report describing the use of HIDTA funds to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year.

“(2) CONTENTS.—The report shall include—

“(A) the number of methamphetamine manufacturing facilities discovered through HIDTA-funded initiatives in the previous fiscal year;

“(B) the amounts of methamphetamine or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by HIDTA-funded initiatives in the area during the previous year; and

“(C) law enforcement intelligence and predictive data from the Drug Enforcement Administration showing patterns and trends in

abuse, trafficking, and transportation in methamphetamine and listed chemicals.

“(3) CERTIFICATION.—Before the Director awards any funds to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities participating in that HIDTA are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

“(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this section—

“(1) \$240,000,000 for fiscal year 2007;

“(2) \$250,000,000 for fiscal year 2008;

“(3) \$260,000,000 for fiscal year 2009;

“(4) \$270,000,000 for fiscal year 2010; and

“(5) \$280,000,000 for each of fiscal year 2011.”.

SEC. 302. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) SHORT TITLE.—This section may be cited as the “Dawson Family Community Protection Act”.

(b) FINDINGS.—Congress finds the following:

(1) In the early morning hours of October 16, 2002, the home of Carnell and Angela Dawson was firebombed in apparent retaliation for Mrs. Dawson's notification to police about persistent drug distribution activity in their East Baltimore City neighborhood.

(2) The arson claimed the lives of Mr. and Mrs. Dawson and their 5 young children, aged 9 to 14.

(3) The horrific murder of the Dawson family is a stark example of domestic narco-terrorism.

(4) In all phases of counternarcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with tribal, local, State, and Federal law enforcement efforts to combat illegal drug trafficking.

(c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.—Section 707, as amended by section 301, is amended by adding at the end the following:

“(q) SPECIFIC PURPOSES.—

“(1) IN GENERAL.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least

\$7,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

“(2) REQUIRED USES.—The funds used under paragraph (1) shall be used—

“(A) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

“(B) to combat illegal drug trafficking through such methods as the Director considers appropriate, such as establishing or operating (or both) a toll-free telephone hotline for use by the public to provide information about illegal drug-related activities.”.

SEC. 303. ASSESSMENT.

The Director shall assess the ability of the HIDTA Program to respond to the so-called “balloon effect”, whereby urban drug traffickers facing intensive law enforcement efforts expand and spread their trafficking and distribution into rural, suburban, and smaller urban areas by conducting a demonstration project examining the ability of the New York/New Jersey HIDTA, with its new single collocated Organized Crime and Drug Enforcement Task Force/High Intensity Drug Trafficking Area Strike Force and HIDTA Regional Intelligence Center, to address the movement of drug traffickers into the more rural, suburban, and smaller areas encompassed by the counties of Albany, Onondaga, Monroe, and Erie in New York State and by annexing these counties into the existing New York/New Jersey HIDTA.

TITLE IV—TECHNOLOGY

SEC. 401. COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER.

(a) CHIEF SCIENTIST.—Section 708(b) is amended to read as follows:

“(b) CHIEF SCIENTIST.—There shall be at the head of the Center the Chief Scientist, who shall be appointed by the Director from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.”.

(b) RESPONSIBILITIES.—

(1) RESEARCH AND DEVELOPMENT.—Section 708 is amended by—

(A) redesignating subsection (d) as subsection (e); and

(B) striking subsection (c) and inserting the following:

“(c) RESEARCH AND DEVELOPMENT RESPONSIBILITIES.—The Director, acting through the Chief Scientist, shall—

“(1) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, local, and tribal drug supply reduction agencies, including—

“(A) advanced surveillance, tracking, and radar imaging;

“(B) electronic support measures;

“(C) communications;

“(D) data fusion, advanced computer systems, and artificial intelligence; and

“(E) chemical, biological, radiological (including neutron and electron), and other means of detection;

“(2) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

“(A) improving treatment through neuroscientific advances;

“(B) improving the transfer of biomedical research to the clinical setting; and

“(C) in consultation with the National Institute of Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness and availability of drug treatment;

“(3) make a priority ranking of such needs identified in paragraphs (1) and (2) according to fiscal and technological feasibility, as part of a National Counterdrug Research and Development Program;

“(4) oversee and coordinate counterdrug technology initiatives with related activities of other Federal civilian and military departments;

“(5) provide support to the development and implementation of the national drug control performance measurement system established under subsection (c) of section 706; and

“(6) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counterdrug technology research and development.

“(d) LIMITATION ON AUTHORITY.—The authority granted to the Director under this section shall not extend to the awarding of contracts, management of individual projects, or other operational activities.”.

(2) ASSISTANCE AND SUPPORT.—Subsection (e) of section 708, as redesignated by this section, is amended to read as follows:

“(e) ASSISTANCE AND SUPPORT TO THE OFFICE OF NATIONAL DRUG CONTROL POLICY.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counterdrug technology assessment.”.

(3) TECHNOLOGY TRANSFER PROGRAM.—Section 708 is amended by adding at the end the following:

“(f) TECHNOLOGY TRANSFER PROGRAM.—

“(1) PROGRAM.—The Chief Scientist, with the advice and counsel of experts from State, local, and tribal law enforcement agencies, shall be responsible to the Director for coordination and implementation of a counterdrug technology transfer program.

“(2) PURPOSE.—The purpose of the Technology Transfer Program shall be for the Counterdrug Technology Assessment Center to transfer technology and associated training directly to State, local, and tribal law enforcement agencies.

“(3) PRIORITY OF RECEIPTS.—Transfers shall be made in priority order based on—

“(A) the need of potential recipients for such technology;

“(B) the effectiveness of the technology to enhance current counterdrug activities of potential recipients; and

“(C) the ability and willingness of potential recipients to evaluate transferred technology.

“(4) AGREEMENT AUTHORITY.—The Director may enter into an agreement with the Secretary of Homeland Security to transfer technology with both counterdrug and homeland security applications to State, local, and tribal law enforcement agencies on a reimbursable basis.

“(5) REPORT.—On or before July 1 of each year, the Director shall submit a report to the appropriate congressional committees that addresses the following:

“(A) The number of requests received during the previous 12 months, including the identity of each requesting agency and the type of technology requested.

“(B) The number of requests fulfilled during the previous 12 months, including the identity of each recipient agency and the type of technology transferred.

“(C) A summary of the criteria used in making the determination on what requests were funded and what requests were not funded, except that such summary shall not include specific information on any individual requests.

“(D) A general assessment of the future needs of the program, based on expected changes in threats, expected technologies, and likely need from potential recipients.

“(E) An assessment of the effectiveness of the technologies transferred, based in part on the evaluations provided by the recipients, with a recommendation whether the technology should continue to be offered through the program.”.

(c) ASSISTANCE FROM SECRETARY OF HOMELAND SECURITY.—Section 708(d) (21 U.S.C. 1707(d)) is amended by inserting “, the Secretary of Homeland Security,” after “The Secretary of Defense”.

TITLE V—NATIONAL YOUTH MEDIA CAMPAIGN

SEC. 501. NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN.

(a) IN GENERAL.—Section 709 (21 U.S.C. 1708) is amended to read as follows:

“SEC. 709. NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN.

“(a) IN GENERAL.—The Director shall conduct a national youth anti-drug media campaign (referred to in this subtitle as the ‘national media campaign’) in accordance with this section for the purposes of—

“(1) preventing drug abuse among young people in the United States;

“(2) increasing awareness of adults of the impact of drug abuse on young people; and

“(3) encouraging parents and other interested adults to discuss with young people the dangers of illegal drug use.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Amounts made available to carry out this section for the national media campaign may only be used for the following:

“(A) The purchase of media time and space, including the strategic planning for, and accounting of, such purchases.

“(B) Creative and talent costs, consistent with paragraph (2)(A).

“(C) Advertising production costs.

“(D) Testing and evaluation of advertising.

“(E) Evaluation of the effectiveness of the national media campaign.

“(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee to enter into contracts to carry out activities authorized by this section.

“(G) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and government organizations related to the national media campaign.

“(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

“(I) Operational and management expenses.

“(2) SPECIFIC REQUIREMENTS.—

“(A) CREATIVE SERVICES.—

“(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government (including creative services provided by the Partnership for a Drug-Free America) wherever feasible and may only procure creative services for advertising—

“(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

“(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost; or

“(III) the Director determines that the Partnership for a Drug-Free America is unable to provide, pursuant to subsection (d)(2)(B).

“(i) Subject to the availability of appropriations, no more than \$1,500,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to \$2,000,000 in a fiscal year on creative services to meet urgent needs of the national media campaign with advance approval from the Committee on Appropriations of the Senate and of the House of Representatives upon a showing of the circumstances causing such urgent needs of the national media campaign.

“(B) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

“(C) EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the national media campaign under paragraph (1)(E), the Director shall—

“(i) designate an independent entity to evaluate by April 20 of each year the effectiveness of the national media campaign based on data from—

“(I) the Monitoring the Future Study published by the Department of Health and Human Services;

“(II) the Attitude Tracking Study published by the Partnership for a Drug-Free America;

“(III) the National Household Survey on Drug Abuse; and

“(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

“(ii) ensure that the effectiveness of the national media campaign is evaluated in a manner that enables consideration of whether the national media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

“(3) PURCHASE OF ADVERTISING TIME AND SPACE.—Subject to the availability of appropriations, for each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign, subject to the following exceptions:

“(A) In any fiscal year for which less than \$125,000,000 is appropriated for the national media campaign, not less than 72 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign.

“(B) In any fiscal year for which more than \$195,000,000 is appropriated under this section, not less than 82 percent shall be used for advertising production costs and the purchase of advertising time and space for the national media campaign.

“(C) ADVERTISING.—In carrying out this section, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

“(d) DIVISION OF RESPONSIBILITIES AND FUNCTIONS UNDER THE PROGRAM.—

“(1) IN GENERAL.—The Director, in consultation with the Partnership for a Drug-

Free America, shall determine the overall purposes and strategy of the national media campaign.

“(2) RESPONSIBILITIES.—

“(A) DIRECTOR.—The Director shall be responsible for implementing a focused national media campaign to meet the purposes set forth in subsection (a), and shall approve—

“(i) the strategy of the national media campaign;

“(ii) all advertising and promotional material used in the national media campaign; and

“(iii) the plan for the purchase of advertising time and space for the national media campaign.

“(B) THE PARTNERSHIP FOR A DRUG-FREE AMERICA.—The Director shall request that the Partnership for a Drug-Free America—

“(i) develop and recommend strategies to achieve the goals of the national media campaign, including addressing national and local drug threats in specific regions or States, such as methamphetamine and ecstasy;

“(ii) create all advertising to be used in the national media campaign, except advertisements that are—

“(I) provided by other nonprofit entities pursuant to subsection (f);

“(II) intended to respond to high-priority or emergent campaign needs that cannot timely be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America;

“(III) intended to reach a minority, ethnic, or other special audience that cannot be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America; or

“(IV) any other advertisements that the Director determines that the Partnership for a Drug-Free America is unable to provide or if the Director determines that another entity is more appropriate, subject to the requirements of subsection (b)(2)(A).

If the Director determines that another entity is more appropriate under clause (ii)(IV), the Director shall notify Congress, through the committees of jurisdiction in the House and Senate, in writing, not less than 30 days prior to contracting with a party other than the Partnership for a Drug-Free America.

“(C) MEDIA BUYING CONTRACTOR.—The Director shall enter into a contract with a media buying contractor to plan and purchase advertising time and space for the national media campaign. The media buying contractor shall not provide any other service or material, or conduct any other function or activity which the Director determines should be provided by the Partnership for a Drug-Free America.

“(e) PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

“(1) To supplant current anti-drug community-based coalitions.

“(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

“(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

“(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of

Schedule C of title 5, Code of Federal Regulations.

“(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

“(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

“(f) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Amounts made available under subsection (b) for media time and space shall be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions of the same value.

“(2) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign, except that in any fiscal year in which less than \$125,000,000 is appropriated to the national media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign.

“(3) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention consistent with the purposes of the national media campaign includes a clear anti-drug message. Such message is not required to be the primary message of the match advertising.

“(g) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

“(1) audits and reviews of costs of the national media campaign pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

“(2) an audit to determine whether the costs of the national media campaign are allowable under section 306 of such Act (41 U.S.C. 256).

“(h) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

“(1) the strategy of the national media campaign and whether specific objectives of the media campaign were accomplished;

“(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

“(3) plans to purchase advertising time and space;

“(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

“(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

“(i) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

“(j) PREVENTION OF MARIJUANA USE.—

“(1) FINDINGS.—The Congress finds the following:

“(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

“(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in

the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

“(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to 5 times more likely to use hard drugs.

“(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

“(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

“(F) An estimated 9,000,000 Americans a year drive while under the influence of illegal drugs, including marijuana.

“(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

“(H) Teens who use marijuana are up to 4 times more likely to have a teen pregnancy than teens who have not.

“(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

“(J) Federal law enforcement agencies have identified possible links between trade in cannabis products and financing for terrorist organizations.

“(2) EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

“(k) PREVENTION OF METHAMPHETAMINE ABUSE AND OTHER EMERGING DRUG ABUSE THREATS.—

“(1) REQUIREMENT TO USE 10 PERCENT OF FUNDS FOR METHAMPHETAMINE ABUSE PREVENTION.—The Director shall ensure that, of the amounts appropriated under this section for the national media campaign for a fiscal year, not less than 10 percent shall be expended solely for the activities described subsection (b)(1) with respect to advertisements specifically intended to reduce the use of methamphetamine.

“(2) AUTHORITY TO USE FUNDS FOR OTHER DRUG ABUSE UPON CERTIFICATION THAT METHAMPHETAMINE ABUSE FELL DURING FISCAL YEAR 2007.—With respect to fiscal year 2008 and any fiscal year thereafter, if the Director certifies in writing to Congress that domestic methamphetamine laboratory seizures (as reported to the El Paso Intelligence Center of the Drug Enforcement Administration) decreased to at least 75 percent of the 2006 level, or the Director has documented a highly, statistically significant increase in a specific drug, from a baseline determined by locally collected data, that can be defined as a local drug crisis, the Director may apply paragraph (1)(A) for that fiscal year with respect to advertisements specifically intended to reduce the use of such other drugs.

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, \$195,000,000 for each of fiscal years 2007 and 2008 and \$210,000,000 for each of fiscal years 2009 through 2011.”

(b) REPEAL OF SUPERSEDED PROVISIONS.—The Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801 et seq.) is repealed.

TITLE VI—AUTHORIZATIONS AND EXTENSION OF TERMINATION DATE

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

Section 714 is amended—

(1) by striking “title,” and inserting “title except activities otherwise specified.”; and

(2) by striking “1999 through 2003” and inserting “2006 through 2010”.

SEC. 602. EXTENSION OF TERMINATION DATE.

Section 715(a) is amended by striking “September 30, 2003, this title and the amendments made by this title” and inserting “September 30, 2010, this title and the amendments made to this title”.

TITLE VII—ANTI-DOPING AGENCY

SEC. 701. DESIGNATION OF UNITED STATES ANTI-DOPING AGENCY.

(a) DEFINITIONS.—In this title:

(1) UNITED STATES OLYMPIC COMMITTEE.—The term “United States Olympic Committee” means the organization established by the “Ted Stevens Olympic and Amateur Sports Act” (36 U.S.C. 220501 et seq.).

(2) AMATEUR ATHLETIC COMPETITION.—The term “amateur athletic competition” means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete (36 U.S.C. 220501(b)(2)).

(3) AMATEUR ATHLETE.—The term “amateur athlete” means an athlete who meets the eligibility standards established by the national governing body or paralympic sports organization for the sport in which the athlete competes (36 U.S.C. 22501(b)(1)).

(4) GENE DOPING.—The term “gene doping” means the nontherapeutic use of cells, genes, genetic elements, or of the modulation of gene expression, having the capacity to enhance athletic performance.

(b) IN GENERAL.—The United States Anti-Doping Agency shall—

(1) serve as the independent anti-doping organization for the amateur athletic competitions recognized by the United States Olympic Committee;

(2) ensure that athletes participating in amateur athletic activities recognized by the United States Olympic Committee are prevented from using performance-enhancing drugs, or performance-enhancing genetic modifications accomplished through gene-doping;

(3) implement anti-doping education, research, testing, and adjudication programs to prevent United States Amateur Athletes participating in any activity recognized by the United States Olympic Committee from using performance-enhancing drugs, or performance-enhancing genetic modifications accomplished through gene-doping;

(4) serve as the United States representative responsible for coordination with other anti-doping organizations coordinating amateur athletic competitions recognized by the United States Olympic Committee to ensure the integrity of athletic competition, the health of the athletes and the prevention of use of performance-enhancing drugs, or performance-enhancing genetic modifications accomplished through gene-doping by United States amateur athletes; and

(5) permanently include “gene doping” among any list of prohibited substances adopted by the Agency.

SEC. 702. RECORDS, AUDIT, AND REPORT.

(a) RECORDS.—The United States Anti-Doping Agency shall keep correct and complete records of account.

(b) REPORT.—The United States Anti-Doping Agency shall submit an annual report to Congress which shall include—

(1) an audit conducted and submitted in accordance with section 10101 of title 36, United States Code; and

(2) a description of the activities of the agency.

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Anti-Doping Agency—

(1) for fiscal year 2007, \$9,700,000;

(2) for fiscal year 2008, \$10,300,000;

(3) for fiscal year 2009, \$10,600,000;

(4) for fiscal year 2010, \$11,000,000; and

(5) for fiscal year 2011, \$11,500,000.

TITLE VIII—DRUG-FREE COMMUNITIES

SEC. 801. REAUTHORIZATION.

(a) IN GENERAL.—Section 1024(a) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1524(a)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(11) \$109,000,000 for fiscal year 2008;

“(12) \$114,000,000 for fiscal year 2009;

“(13) \$119,000,000 for fiscal year 2010;

“(14) \$124,000,000 for fiscal year 2011; and

“(15) \$129,000,000 for fiscal year 2012.”

(b) ADMINISTRATION COSTS.—Section 1024(b) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1524(b)) is amended to read as follows:

“(b) ADMINISTRATIVE COSTS.—

“(1) LIMITATION.—Not more than 3 percent of the funds appropriated for this chapter may be used by the Office of National Control Policy to pay for administrative costs associated with their responsibilities under the chapter.

“(2) DESIGNATED AGENCY.—The agency delegated to carry out this program under section 1031(d) may use up to 5 percent of the funds allocated for grants under this chapter for administrative costs associated with carrying out the program.”

SEC. 802. SUSPENSION OF GRANTS.

(a) IN GENERAL.—Section 1032(b) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1532(b)) is amended by adding at the end the following:

“(4) PROCESS FOR SUSPENSION.—A grantee shall not be suspended or terminated under paragraph (1)(A)(ii), (2)(A)(iii), or (3)(E) unless that grantee is afforded a fair, timely, and independent appeal prior to such suspension or termination.”

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to Congress a report detailing the appeals process required by section 1032(b)(4) of the Drug-Free Communities Act of 1997, as added by subsection (a).

SEC. 803. GRANT AWARD INCREASE.

Subsections (b)(1)(A)(iv), (b)(2)(C)(i), and (b)(3)(F) of section 1032 of the Drug-Free Communities Act of 1997 (21 U.S.C. 1532) are amended by striking “\$100,000” and inserting “\$125,000”.

SEC. 804. PROHIBITION ON ADDITIONAL ELIGIBILITY CRITERIA.

Section 1032(a) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1532(a)) is amended by adding at the end the following:

“(7) ADDITIONAL CRITERIA.—The Director shall not impose any eligibility criteria on new applicants or renewal grantees not provided in this chapter.”

SEC. 805. NATIONAL COMMUNITY ANTI-DRUG COALITION INSTITUTE.

Section 4 of Public Law 107-82 (21 U.S.C. 1521 note), reauthorizing the Drug-Free Communities Support Program, is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall, using amounts authorized to be appropriated by subsection (d), make a directed grant to Community Anti-Drug Coalitions of America to provide for the continuation of the National Community Anti-drug Coalition Institute.”;

(2) by striking subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively; and

(3) in subsection (c), as redesignated by paragraph (2), by adding at the end the following:

“(4) For each of the fiscal years 2008 through 2012, \$2,000,000.”

**TITLE IX—NATIONAL GUARD
COUNTERDRUG SCHOOLS**

SEC. 901. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) **AUTHORITY TO OPERATE.**—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate, or provide financial assistance to the States to establish and operate, not more than 5 schools (to be known generally as “National Guard counterdrug schools”).

(b) **PURPOSE.**—The purpose of the National Guard counterdrug schools shall be the provision by the National Guard of training in drug interdiction and counterdrug activities and drug demand reduction activities to personnel of the following:

- (1) Federal agencies.
- (2) State, local, and tribal law enforcement agencies.
- (3) Community-based organizations engaged in such activities.
- (4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(c) **COUNTERDRUG SCHOOLS SPECIFIED.**—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

- (1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.
- (2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.
- (3) The Midwest Counterdrug Training Center (MCTC), Johnston, Iowa.
- (4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.
- (5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(d) **USE OF NATIONAL GUARD PERSONNEL.**—

(1) **IN GENERAL.**—To the extent provided for in the State drug interdiction and counterdrug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (b) at that school.

(2) **DEFINITION.**—In this subsection, the term “State drug interdiction and counterdrug activities plan”, in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(e) **TREATMENT UNDER AUTHORITY TO PROVIDE COUNTERDRUG SUPPORT.**—The provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) shall apply to any activities of a National Guard counterdrug school under this section that are for an agency referred to in subsection (a) of such section 1004 and for a purpose set forth in subsection (b) of such section 1004.

(f) **ANNUAL REPORTS ON ACTIVITIES.**—

(1) **IN GENERAL.**—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year.

(2) **CONTENTS.**—Each report under paragraph (1) shall set forth the following:

(A) **FUNDING.**—The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) **ACTIVITIES.**—A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is hereby authorized to be appropriated for the Department of Defense for the National Guard for each of fiscal years 2006 through 2010, \$30,000,000 for purposes of the National Guard counterdrug schools in such fiscal year.

(2) **CONSTRUCTION.**—The amount authorized to be appropriated by paragraph (1) for a fiscal year is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for such fiscal year.

TITLE X—NATIONAL METHAMPHETAMINE INFORMATION CLEARINGHOUSE ACT OF 2006

SEC. 1001. SHORT TITLE.

This title may be cited as the “National Methamphetamine Information Clearinghouse Act of 2006”.

SEC. 1002. DEFINITIONS.

In this title—

(1) the term “Council” means the National Methamphetamine Advisory Council established under section 1003(b)(1);

(2) the term “drug endangered children” means children whose physical, mental, or emotional health are at risk because of the production, use, or other effects of methamphetamine production or use by another person;

(3) the term “National Methamphetamine Information Clearinghouse” or “NMIC” means the information clearinghouse established under section 1003(a); and

(4) the term “qualified entity” means a State, local, or tribal government, school board, or public health, law enforcement, nonprofit, community anti-drug coalition, or other nongovernmental organization providing services related to methamphetamines.

SEC. 1003. ESTABLISHMENT OF CLEARINGHOUSE AND ADVISORY COUNCIL.

(a) **CLEARINGHOUSE.**—There is established, under the supervision of the Attorney General of the United States, an information clearinghouse to be known as the National Methamphetamine Information Clearinghouse.

(b) **ADVISORY COUNCIL.**—

(1) **IN GENERAL.**—There is established an advisory council to be known as the National Methamphetamine Advisory Council.

(2) **MEMBERSHIP.**—The Council shall consist of 10 members appointed by the Attorney General—

(A) not fewer than 3 of whom shall be representatives of law enforcement agencies;

(B) not fewer than 4 of whom shall be representatives of nongovernmental and nonprofit organizations providing services or training and implementing programs or strategies related to methamphetamines; and

(C) 1 of whom shall be a representative of the Department of Health and Human Services.

(3) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for 3 years. Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) **PERSONNEL MATTERS.**—

(A) **TRAVEL EXPENSES.**—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(B) **NO COMPENSATION.**—The members of the Council shall not receive compensation for the performance of the duties of a member of the Council.

SEC. 1004. NMIC REQUIREMENTS AND REVIEW.

(a) **IN GENERAL.**—The NMIC shall promote sharing information regarding successful law enforcement, treatment, environmental, prevention, social services, and other programs related to the production, use, or effects of methamphetamine and grants available for such programs.

(b) **COMPONENTS.**—The NMIC shall include—

- (1) a toll-free number; and
- (2) a website that provides a searchable database, which—

(A) provides information on the short-term and long-term effects of methamphetamine use;

(B) provides information regarding methamphetamine treatment and prevention programs and strategies and programs for drug endangered children, including descriptions of successful programs and strategies and contact information for such programs and strategies;

(C) provides information regarding grants for methamphetamine-related programs, including contact information and links to websites;

(D) allows a qualified entity to submit items to be posted on the website regarding successful public or private programs or other useful information related to the production, use, or effects of methamphetamine;

(E) includes a restricted section that may only be accessed by a law enforcement organization that contains successful strategies, training techniques, and other information that the Council determines helpful to law enforcement agency efforts to identify or combat the production, use or effects of methamphetamine;

(F) allows public access to all information not in a restricted section; and

(G) contains any additional information the Council determines may be useful in identifying or combating the production, use, or effects of methamphetamine.

Thirty days after the website in paragraph (2) is operational, no funds shall be expended to continue the website methresources.gov.

(c) **REVIEW OF POSTED INFORMATION.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of submission of an item by a qualified entity, the Council shall review an item submitted for posting on the website described in subsection (b)(2)—

(A) to evaluate and determine whether the item, as submitted or as modified, meets the requirements for posting; and

(B) in consultation with the Attorney General, to determine whether the item should be posted in a restricted section of the website.

(2) **DETERMINATION.**—Not later than 45 days after the date of submission of an item, the Council shall—

(A) post the item on the website described in subsection (b)(2); or

(B) notify the qualified entity that submitted the item regarding the reason such item shall not be posted and modifications, if any, that the qualified entity may make to allow the item to be posted.

SEC. 1005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) for fiscal year 2007—

(A) \$500,000 to establish the NMIC and Council; and

(B) such sums as are necessary for the operation of the NMIC and Council; and

(2) for each of fiscal years 2008 and 2009, such sums as are necessary for the operation of the NMIC and Council.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. REPEALS.

(a) **ACT.**—Section 710 is repealed.

(b) **FORFEITURE ASSETS.**—Section 6073 of the Assets Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is repealed.

SEC. 1102. CONTROLLED SUBSTANCES ACT AMENDMENTS.

Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

(1) in subparagraph (B)(iii), by striking “except that the” and inserting the following: “unless, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients. A second notification under this clause shall contain the certifications required by clauses (i) and (ii) of this subparagraph. The”; and

(2) in subparagraph (J)—

(A) in clause (i), by striking “thereafter” and all that follows through the period and inserting “thereafter.”;

(B) in clause (ii), by striking “Drug Addiction Treatment Act of 2000” and inserting “Office of National Drug Control Policy Reauthorization Act of 2006”; and

(C) in clause (iii), by striking “this paragraph should not remain in effect, this paragraph ceases to be in effect” and inserting “subparagraph (B)(iii) should be applied by limiting the total number of patients a practitioner may treat to 30, then the provisions in such subparagraph (B)(iii) permitting more than 30 patients shall not apply, effective”.

SEC. 1103. REPORT ON LAW ENFORCEMENT INTELLIGENCE SHARING.

Not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress a report—

(1) evaluating existing and planned law enforcement intelligence systems used by Federal, State, local, and tribal law enforcement agencies responsible for drug trafficking and drug production enforcement; and

(2) addressing—

(A) the current law enforcement intelligence systems used by Federal, State, local, and tribal law enforcement agencies;

(B) the compatibility of such systems in ensuring access and availability of law enforcement intelligence to Federal, State, local, and tribal law enforcement;

(C) the extent to which Federal, State, local, and tribal law enforcement are sharing law enforcement intelligence information to assess current threats and design appropriate enforcement strategies; and

(D) the measures needed to ensure and to promote effective information sharing among law enforcement intelligence systems operated by Federal, State, local, and tribal law enforcement agencies responsible for drug trafficking and drug production enforcement.

SEC. 1104. REQUIREMENT FOR SOUTH AMERICAN HEROIN STRATEGY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director, in coordination with the Secretary of State, shall submit to Congress a comprehensive strategy that addresses the increased threat from South American heroin, and in particular Colombian heroin, and the emerging threat from opium poppy grown in Peru and often intended for transit to Columbia for processing into heroin.

(b) CONTENTS.—The strategy submitted under subsection (a) shall include—

(1) opium eradication efforts to eliminate the problem at the source to prevent heroin from entering the stream of commerce;

(2) interdiction and precursor chemical controls;

(3) demand reduction and treatment;

(4) alternative development programs, including direct assistance to regional governments to demobilize and provide alternative livelihoods to former members of insurgent or other groups engaged in heroin, cocoa, or other illicit drug production or trafficking;

(5) efforts to inform and involve local citizens in the programs described in paragraphs (1) through (4), such as through leaflets advertising rewards for information; and

(6) an assessment of the specific level of funding and resources necessary to simultaneously address the threat from South American heroin and the threat from Colombian and Peruvian coca.

(c) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the strategy submitted under subsection (a) that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant Federal agency, would be detrimental to the law enforcement of national security activities of any Federal, foreign, or international agency, shall be presented to Congress separately from the rest of the strategy.

SEC. 1105. MODEL ACTS.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall provide for or shall enter into an agreement with a non-profit corporation that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code to—

(1) advise States on establishing laws and policies to address alcohol and other drug issues, based on the model State drug laws developed by the President’s Commission on Model State Drug Laws in 1993; and

(2) revise such model State drug laws and draft supplementary model State laws to take into consideration changes in the alcohol and drug abuse problems in the State involved.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,500,000 for each of fiscal years 2007 through 2011.

SEC. 1106. STUDY ON IATROGENIC ADDICTION ASSOCIATED WITH PRESCRIPTION OPIOID ANALGESIC DRUGS.

(a) IN GENERAL.—

(1) STUDY.—The Director of the Office of National Drug Control Policy shall request the Institute of Medicine of the National Academy of Sciences to enter into an agreement under which the Institute agrees to study certain aspects of iatrogenic addiction to prescription opioid analgesics included in schedules II and III of the Controlled Substances Act (21 U.S.C. 812).

(2) IATROGENIC ADDICTION.—In this section, the term “iatrogenic addiction” means an addiction developed from the use of an opioid analgesic by an individual with no previous history of any addiction, who has lawfully obtained and used the drug for a legitimate medical purpose by administration from, or pursuant to the prescription or order of, an individual practitioner acting in the usual course of professional practice.

(b) REQUIREMENTS.—The study conducted pursuant to this section shall assess the current scientific literature to determine, if possible—

(1) the rate of iatrogenic addiction associated with the appropriate use of prescription drugs described in subsection (a);

(2) the impact of iatrogenic addiction associated with the appropriate use of prescription drugs described in subsection (a) on the individual, the prescriber, other patients, and society in general;

(3) the comparative abuse liability of prescription drugs described in subsection (a) when used properly by the ultimate user for a legitimate medical purpose; and

(4)(A) what types of prospective or retrospective studies should be undertaken to determine the rate of iatrogenic addiction associated with the appropriate use of the pre-

scription drugs described in subsection (a); and

(B) a feasible timeline for conducting and reporting such studies, should the current state of the scientific literature be insufficient to determine the rate, impact, and comparative abuse liability of prescription drugs described in subsection (a).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall ensure that the agreement under subsection (a) provides for the submission of a report to the Congress on the status of the study conducted pursuant to this section.

SEC. 1107. REQUIREMENT FOR STRATEGY TO STOP INTERNET ADVERTISING OF PRESCRIPTION MEDICINES WITHOUT A PRESCRIPTION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to Congress a strategy to stop advertisements that provide information about obtaining over the Internet drugs (as defined in section 702(3) of the Office of National Drug Control Policy Reauthorization Act of 1998) for which a prescription is required without the use of such a lawful prescription.

SEC. 1108. REQUIREMENT FOR STUDY ON DIVERSION AND INAPPROPRIATE USES OF PRESCRIPTION DRUGS.

Not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that includes a plan to conduct a study on the illegal diversion and inappropriate uses of prescription drugs, including the following:

(1) Methods to utilize both public use surveys that are in existence as of the date of enactment of this Act and other surveys to provide appropriate baseline data on the natural history of diversion and abuse of prescription drugs that are included in schedules under the Controlled Substances Act to evaluate the extent and nature of potential problems with such use to guide corrective actions which may reduce such problems without unintentionally hindering access to these drugs for legitimate medical purposes. Specifically, other surveys to be considered are those that address the abuse of these substances on a regional or national basis, and those that address the diversion of these substances on a regional or national basis.

(2) A scientifically based analysis of the relative contribution of both innate and acquired genetic factors, environmental factors, psychological factors, and drug characteristics that contribute to addiction to prescription drugs.

SEC. 1109. REQUIREMENT FOR AFGHAN HEROIN STRATEGY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the Congress a comprehensive strategy that addresses the increased threat from Afghan heroin.

(b) CONTENTS.—The strategy shall include—

(1) opium crop eradication efforts to eliminate the problem at the source to prevent heroin from entering the stream of commerce;

(2) destruction or other direct elimination of stockpiles of heroin and raw opium, and heroin production and storage facilities;

(3) interdiction and precursor chemical controls;

(4) demand reduction and treatment;

(5) alternative development programs;

(6) measures to improve cooperation and coordination between Federal Government

agencies, and between such agencies, agencies of foreign governments, and international organizations with responsibility for the prevention of heroin production in, or trafficking out of, Afghanistan; and

(7) an assessment of the specific level of funding and resources necessary significantly to reduce the production and trafficking of heroin.

(c) **TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.**—Any content of the strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant Federal agency, would be detrimental to the law enforcement or national security activities of any Federal, foreign, or international agency, shall be presented to Congress separately from the rest of the strategy.

SEC. 1110. REQUIREMENT FOR SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY.

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, and every 2 years thereafter, the Director of National Drug Control Policy shall submit to the Congress a Southwest Border Counternarcotics Strategy.

(b) **PURPOSES.**—The Southwest Border Counternarcotics Strategy shall—

(1) set forth the Government's strategy for preventing the illegal trafficking of drugs across the international border between the United States and Mexico, including through ports of entry and between ports of entry on that border;

(2) state the specific roles and responsibilities of the relevant National Drug Control Program agencies (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)) for implementing that strategy; and

(3) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

(c) **SPECIFIC CONTENT RELATED TO DRUG TUNNELS BETWEEN THE UNITED STATES AND MEXICO.**—The Southwest Border Counternarcotics Strategy shall include—

(1) a strategy to end the construction and use of tunnels and subterranean passages that cross the international border between the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and

(2) recommendations for criminal penalties for persons who construct or use such a tunnel or subterranean passage for such a purpose.

(d) **CONSULTATION WITH OTHER AGENCIES.**—The Director shall issue the Southwest Border Counternarcotics Strategy in consultation with the heads of the relevant National Drug Control Program agencies.

(e) **LIMITATION.**—The Southwest Border Counternarcotics Strategy shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

(f) **REPORT TO CONGRESS.**—The Director shall provide a copy of the Southwest Border Counternarcotics Strategy to the appropriate congressional committees (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)), and to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

(g) **TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.**—Any

content of the Southwest Border Counternarcotics Strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the strategy.

SEC. 1111. REQUIREMENT FOR SCIENTIFIC STUDY OF MYCOHERBICIDE IN ILLICIT DRUG CROP ERADICATION.

(a) **REQUIREMENT.**—Not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the Congress a report that includes a plan to conduct, on an expedited basis, a scientific study of the use of mycoherbicide as a means of illicit drug crop elimination by an appropriate Government scientific research entity, including a complete and thorough scientific peer review. The study shall include an evaluation of the likely human health and environmental impacts of mycoherbicides derived from fungus naturally existing in the soil.

(b) **STUDY.**—The study required by this section shall be conducted in United States territory and not in any foreign country.

SEC. 1112. REQUIREMENT FOR STUDY OF STATE PRECURSOR CHEMICAL CONTROL LAWS.

(a) **STUDY.**—The Director of National Drug Control Policy, in consultation with the National Alliance for Model State Drug Laws, shall conduct a study of State laws with respect to precursor chemical controls.

(b) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit a report to Congress on the results of the study under subsection (a), including—

(1) a comparison of the State laws studied and the effectiveness of each such law; and

(2) a list of best practices observed with respect to such laws.

SEC. 1113. REQUIREMENT FOR STUDY OF DRUG ENDANGERED CHILDREN PROGRAMS.

(a) **STUDY.**—The Director of National Drug Control Policy shall conduct a study of methamphetamine-related activities that are conducted by different Drug Endangered Children programs administered by States.

(b) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress a report on the results of the study under subsection (a). Such report shall include—

(1) an analysis of the best practices of the activities studied; and

(2) recommendations for establishing a national policy to address drug endangered children, based on the Drug Endangered Children programs administered by States.

(c) **DEFINITIONS.**—In this section—

(1) the term "methamphetamine-related activity" means any activity related to the production, use, or effects of methamphetamine; and

(2) the term "drug endangered children" means children whose physical, mental, or emotional health are at risk because of the production, use, or effects of methamphetamine by another person.

SEC. 1114. STUDY ON DRUG COURT HEARINGS IN NONTRADITIONAL PLACES.

(a) **FINDING.**—Congress finds that encouraging drug courts and schools to enter into partnerships that allow students to see the repercussions of drug abuse by non-violent offenders may serve as a strong deterrent and promote demand reduction.

(b) **STUDY.**—The Director of the Office of National Drug Control Policy shall conduct

a study on drug court programs that conduct hearings in nontraditional public places, such as schools. At a minimum, the study shall evaluate similar programs in operation, such as the program operated in the Fourth Judicial District Drug Court, in Washington County, Arkansas.

(c) **REQUIREMENT.**—At the same time the President submits to Congress the National Drug Control Strategy due February 1, 2007, pursuant to section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998, the President shall submit to Congress a report on the study conducted under subsection (b). The report shall include an evaluation of the results of the study and such recommendations as the President considers appropriate.

(d) **DEMAND REDUCTION.**—In this section, the term "demand reduction" has the meaning provided in section 702(1) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701(1)).

SEC. 1115. REPORT ON TRIBAL GOVERNMENT PARTICIPATION IN HIDTA PROCESS.

(a) **REPORT REQUIREMENT.**—The Director of the Office of National Drug Control Policy shall prepare a report for Congress on the representation of tribal governments in the High Intensity Drug Trafficking Areas Program and in high intensity drug trafficking areas designated under that Program. The report shall include—

(1) a list of the tribal governments represented in the Program and a description of the participation by such governments in the Program;

(2) an explanation of the rationale for the level of representation by such governments; and

(3) recommendations by the Director for methods for increasing the number of tribal governments represented in the Program.

(b) **DEADLINE.**—The report prepared under subsection (a) shall be submitted not later than 1 year after the date of the enactment of this Act.

(c) **DEFINITION.**—In this section, the term "High Intensity Drug Trafficking Areas Program" means the program established under section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706)

SEC. 1116. REPORT ON SCHOOL DRUG TESTING.

(a) **REPORT REQUIREMENT.**—The Director of National Drug Control Policy shall prepare a report on drug testing in schools. The report shall include a list of secondary schools that have initiated drug testing from among those schools that have attended conferences on drug testing sponsored by the Office of National Drug Control Policy.

(b) **DEADLINE.**—Not later than 120 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress the report required under subsection (a).

SEC. 1117. REPORT ON ONDCP PERFORMANCE BONUSES.

(a) **REPORT REQUIREMENT.**—The Director of National Drug Control Policy shall prepare a report on performance bonuses at the Office of National Drug Control Policy. The report shall include a list of employees who received performance bonuses, and the amount of such bonuses, for the period beginning on October 1, 2004, and ending on the date of submission of the report.

(b) **DEADLINE.**—Not later than 120 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress the report required under subsection (a).

SEC. 1118. REQUIREMENT FOR DISCLOSURE OF FEDERAL SPONSORSHIP OF ALL FEDERAL ADVERTISING OR OTHER COMMUNICATION MATERIALS.

Section 712 is amended to read as follows:

“SEC. 712. REQUIREMENT FOR DISCLOSURE OF FEDERAL SPONSORSHIP OF ALL FEDERAL ADVERTISING OR OTHER COMMUNICATION MATERIALS.

“(a) REQUIREMENT.—Each advertisement or other communication paid for by the Office, either directly or through a contract awarded by the Office, shall include a prominent notice informing the target audience that the advertisement or other communication is paid for by the Office.

“(b) ADVERTISEMENT OR OTHER COMMUNICATION.—In this section, the term ‘advertisement or other communication’ includes—

“(1) an advertisement disseminated in any form, including print or by any electronic means; and

“(2) a communication by an individual in any form, including speech, print, or by any electronic means.”.

SEC. 1119. AWARDS FOR DEMONSTRATION PROGRAMS BY LOCAL PARTNERSHIPS TO COERCE ABSTINENCE IN CHRONIC HARD-DRUG USERS UNDER COMMUNITY SUPERVISION THROUGH THE USE OF DRUG TESTING AND SANCTIONS.

At the end of the Act, insert the following:

“SEC. 716. AWARDS FOR DEMONSTRATION PROGRAMS BY LOCAL PARTNERSHIPS TO COERCE ABSTINENCE IN CHRONIC HARD-DRUG USERS UNDER COMMUNITY SUPERVISION THROUGH THE USE OF DRUG TESTING AND SANCTIONS.

“(a) AWARDS REQUIRED.—The Director shall make competitive awards to fund demonstration programs by eligible partnerships for the purpose of reducing the use of illicit drugs by chronic hard-drug users living in the community while under the supervision of the criminal justice system.

“(b) USE OF AWARD AMOUNTS.—Award amounts received under this section shall be used—

“(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership;

“(2) to develop and field a drug testing and graduated sanctions program for chronic hard-drug users living in the community under criminal justice supervision; and

“(3) to assist individuals described in subsection (a) by strengthening rehabilitation efforts through such means as job training, drug treatment, or other services.

“(c) ELIGIBLE PARTNERSHIP DEFINED.—In this section, the term ‘eligible partnership’ means a working group whose application to the Director—

“(1) identifies the roles played, and certifies the involvement of, two or more agencies or organizations, which may include—

“(A) State, local, or tribal agencies (such as those carrying out police, probation, prosecution, courts, corrections, parole, or treatment functions);

“(B) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and United States Attorney offices); and

“(C) community-based organizations;

“(2) includes a qualified researcher;

“(3) includes a plan for using judicial or other criminal justice authority to administer drug tests to individuals described in subsection (a) at least twice a week, and to swiftly and certainly impose a known set of graduated sanctions for non-compliance with community-release provisions relating to drug abstinence (whether imposed as a pretrial, probation, or parole condition or otherwise);

“(4) includes a strategy for responding to a range of substance use and abuse problems and a range of criminal histories;

“(5) includes a plan for integrating data infrastructure among the agencies and organizations included in the eligible partnership

to enable seamless, real-time tracking of individuals described in subsection (a);

“(6) includes a plan to monitor and measure the progress toward reducing the percentage of the population of individuals described in subsection (a) who, upon being summoned for a drug test, either fail to show up or who test positive for drugs.

“(d) REPORTS TO CONGRESS.—

“(1) INTERIM REPORT.—Not later than June 1, 2009, the Director shall submit to Congress a report that identifies the best practices in reducing the use of illicit drugs by chronic hard-drug users, including the best practices identified through the activities funded under this section.

“(2) FINAL REPORT.—Not later than June 1, 2010, the Director shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,900,000 for each of fiscal years 2007 through 2009.”.

SEC. 1120. POLICY RELATING TO SYRINGE EXCHANGE PROGRAMS.

Section 703(a) (21 U.S.C. 1702(a)) is amended by adding at the end the following:

“When developing the national drug control policy, any policy of the Director relating to syringe exchange programs for intravenous drug users shall be based on the best available medical and scientific evidence regarding their effectiveness in promoting individual health and preventing the spread of infectious disease, and their impact on drug addiction and use. In making any policy relating to syringe exchange programs, the Director shall consult with the National Institutes of Health and the National Academy of Sciences.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Madam Speaker, I would first like to thank Government Reform Chairman TOM DAVIS and Ranking Member HENRY WAXMAN for working with us in the Drug Policy Subcommittee and gaining their support and assistance in passing this bipartisan bill.

It is tough to pass bipartisan bills, particularly major legislation like this, at this time of year and in general. This authorization program is multiyear, \$530 million directly and hundreds of millions more in some programs that were added to the original ONDCP bill, and to do something like that unanimously and have it be worked through both bodies has been an incredible accomplishment and an adventure.

I would also like to thank Judiciary Chairman SENSENBRENNER, as well as the minority, for waiving the right to go to the Judiciary Committee. I know that is rare, but in our negotiations with the Senate, we had multiple changes over the last few days, and that was a very important waiver. His staff and the staff of Senator SPECTER in the Senate have been very important allies in moving this bill. Also Senators GRASSLEY, BIDEN, LEAHY and LEVIN have made multiple changes in this bill in the last few days, all of which I think have helped improve this bill. I very much appreciate the bipartisan spirit with which we are trying to pass anti-drug legislation.

Of course my friend and colleague, Congressman ELIJAH CUMMINGS, the ranking member, and I have had a great working relationship these past few years and have been able to tackle one of the toughest issues that is hitting both urban America, suburban America and rural America, together, and build a very close friendship during these years too and a passion. I know from his experience in Baltimore seeing it firsthand as a State legislator and as a resident in the communities so hard hit, he brought a passion to this issue that has been very important. It has been a real privilege working together during this period.

I now would like to read my opening statement.

Across America, individuals, families and communities continue to be devastated by the scourge of drug abuse, and it remains one of the most pressing and unforgiving problems our country faces. This bill is largely the same language that the House passed on March 9 on a vote of 399–5, with some improvements that came from negotiations with the other body and the administration.

It is a forceful and bipartisan recommitment to our broad national efforts to control drug abuse and to renew our support for strong leadership from the Office of National Drug Control Policy, often known as the Drug Czar. By renewing this authorization, we believe we will soon see an even better coordination of the President’s strategy to demonstrably reduce drug abuse by America’s young people and to control its sad consequences.

This reauthorization will preserve and improve our anti-drug efforts in a number of ways. It will preserve the success of the High Intensity Drug Trafficking Areas, or HIDTA programs.

As the ONDCP’s principal law enforcement program, HIDTA brings Federal, State, and local law enforcement together in specific high trafficking areas for sharing of intelligence and joint enforcement actions. It is perhaps the best model of governments working together in such a coordinated way, in a model that in Homeland Security we are attempting to duplicate but thus far have not had the same success. This bill keeps HIDTA in ONDCP where it belongs, focusing on dismantling drug trafficking organizations.

It also provides a process for re-directing scarce funds to those HIDTA regions where the need is greatest, as well as enacting much-needed performance measurements. It will refocus the National Youth Anti-Drug Media Campaign, which all of us see in radio and television and it is our principal program to reach young people on prevention. This bill clarifies the purposes of this campaign, establishing that it is intended for mass media advertising to direct and steer young people away from drug abuse. This will turn the campaign away from projects not related to such mass media advertising.

It will strengthen the Southwest Border Counternarcotics Strategy. Perhaps you have heard that we don't exactly control the southwest border at this time. Increasingly, the drug trade and all its attendant violence and corruption is concentrating on the southwest border.

This bill requires the director of ONDCP to issue within 120 days of enactment a strategy identifying how the government will deal with this narcotics problem on the border, the roles of the various agencies in it, and the resources needed.

Quite frankly, it is astounding that such a southwest border strategy does not currently exist. It will elevate the rank and status of the ONDCP director because the director is tasked with coordinating the drug control efforts of numerous agencies, including Cabinet-level Departments.

This bill designates that he has the same rank and status as a Cabinet officer. This does not interfere with the President's authority to determine the makeup of his Cabinet, but it does assure that the director will be able to work Department heads as an equal, which is critical when you are working with State, Defense, Judiciary, Homeland Security and the many other agencies. This is essential if he is to have full cooperation and teamwork from these other executive offices.

It will improve effectiveness and accountability in drug treatment. The bill will enhance drug treatment programs by requiring, for the first time, a uniform system of evaluating the success of drug treatment.

Further, it will prevent the director from certifying any Federal budget request related to drug treatment that does not provide for adequate result and accountability measures.

I want to address a few other things that were added over the last few days with the Senate. One is the Drug Free Communities Act. This was developed by former Congressman Portman and Congressman LEVIN here and has been backed widely in this body.

It usually has a separate reauthorization. It has been put into this bill. It is already under ONDCP, but it usually moves in a separate bill. It has been combined with this bill so we are also reauthorizing the Drug Free Communities bill, which is absolutely one of the most effective grass-roots prevention programs.

It, along with drug free schools and the national media campaign, are our only prevention efforts. It reauthorizes the National Guard counterdrug schools, which uses our National Guard in different States. In Indiana they are very active in going into schools and is a supplement to the Drug Free Schools program. And it authorizes the U.S. Anti-doping Agency, which has been very critical in the steroids fight and something we have been pushing for to get national measurements and a more aggressive attitude towards abuse of steroids among young people, and this authorizes that agency.

I once again want to thank all of those involved in this, particularly Ranking Member CUMMINGS, Chairman TOM DAVIS, and Ranking Member WAXMAN of the full committee.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 6344, as amended by the amendment of the gentleman from Indiana (Mr. SOUDER). This bill to reauthorize the Office of National Drug Control Policy and related anti-drug programs is the product of a bipartisan and bicameral process that began more than 3 years ago in the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, on which I serve as the ranking minority member. For nearly that period of time, the office has operated without legislative authorization.

I want to again thank and congratulate Chairman SOUDER. He talked about my passion. I had an opportunity to see his when we visited his district. He has spent just a phenomenal amount of time on this legislation and spent a lot of time on this problem that we suffer from in this country, and I want to thank him for his leadership, and his very strong leadership at that.

I also want to thank our full committee chairman, TOM DAVIS, and the Government Reform ranking member, Mr. HENRY WAXMAN, for their strong leadership and cooperation in shaping a bill that we were able to report out of committee and pass on the House floor with strong bipartisan support.

□ 1600

This legislation incorporates additions and modifications negotiated with the Senate Republicans and Democrats, most notably Senators GRASSLEY, HATCH, BIDEN, LEAHY, and LEVIN.

At its core, the bill before us today is substantially the same as the legislation passed by the House on March 9. The bill reauthorizes the drug czar's office for 5 years and also reauthorizes several key anti-drug programs managed by ONDCP, including the National Youth Anti-Drug Media Campaign, the High Intensity Drug Trafficking Areas, or HIDTA program, and the Coun-

terdrug Technology Assessment Center. In addition to authorizing funding for these programs, the bill contains provisions to strengthen them and make them more accountable.

ONDCP, as the central coordinating body for drug control strategy in the White House, plays a vital role in shaping the Federal response to a national drug problem that claims more than 20,000 American lives each year. Through its formulation of the National Drug Control Strategy and its authority to certify the drug control budgets of agencies throughout the executive branch, ONDCP provides critical guidance and support to our efforts to address illegal drug abuse through programs in the areas of prevention, treatment, domestic law enforcement, interdiction, and international supply reduction efforts. We are taking an important step by reauthorizing the drug czar's office today.

I am especially pleased that this bill preserves bipartisan agreements achieved through good faith negotiations during committee consideration of the bill, including a provision to ensure that funds for the National Youth Anti-Drug Media Campaign are not used to advocate for or against any candidate or legislative or regulatory measure.

I am also pleased that we will finally pass the Dawson Family Community Protection Act which authorizes \$7 million of HIDTA program funds to be devoted to supporting efforts to improve safety and facilitate cooperation with police and communities ravaged by drug violence.

This provision memorializes the courageous efforts of Angela Dawson, a Baltimore City resident, who along with her husband and five children lost her life when a drug dealer fire-bombed the family's home in retaliation for Ms. Dawson's reporting of drug distribution activities in the immediate vicinity of her home. I might add that Ms. Dawson's home is within a mile of my home.

HIDTA plays a vital role in combating drug trafficking in many areas of the country, and this provision will help to ensure that funds are available to address urgent threats to community safety due to drug violence.

The amendments adopted by the other body augment and mainly improve upon the House-passed bill. This bill adds reauthorization of the Drug-Free Communities Support Program, one of the most popular and effective Federal drug prevention programs that we have. One other addition included in this bill also deserves particular mention.

The provision proposed by Senator LEVIN would amend the Controlled Substances Act to increase from 30 to 100 the number of patients to whom a doctor can prescribe buprenorphine, an extremely effective drug for the use of opiate addiction. This important and welcome change will have a tremendous impact in places like my own city

of Baltimore where opiate addiction is far too common and access to treatment is far too limited. The bill would immediately triple the capacity of physicians to prescribe this drug for patients with opiate addiction and should have a substantial impact.

The substitute amendment implements two further changes negotiated with the Senate in recent days. The first would modify a provision in the House-passed bill calling for a study of mycoherbicides, requiring that any testing be conducted inside the United States. The second would restore a provision offered by Mr. WAXMAN that would require ONDCP to consult with the National Institutes of Health and the National Academy of Sciences when formulating policy on syringe exchange programs aimed at preventing HIV transmission among injection drug users. The provision calls for ONDCP to base any decisions on the scientific evidence regarding the efficacy of syringe exchange and its impact on drug use.

Madam Speaker, the devastating impact of drugs on communities throughout this Nation is difficult to overstate. In some communities, drugs are a quiet, invisible, disruptive force. In others, as in the case of America's inner cities and rural communities afflicted by meth, it is impossible not to see, and it is impossible not to feel the pain. But no community is completely untouched or immune from this problem.

I am confident that this bill will preserve and strengthen our Nation's most essential tools for fighting the good fight against drug abuse and related crime and social problems.

I am also very pleased about the provisions with regard to accountability for drug treatment. Mr. SOUDER and I have agreed over and over again and done everything in our power to make sure that if there is going to be drug treatment, that that drug treatment be effective and efficient. We wanted to make sure that those who go into treatment came out better off than what they went in.

One of the things that I have discovered as an elected official and talking to many addicts is they go into drug treatment, and they feel they have not been treated properly or that the treatment has not been effective. That makes them reluctant to go into treatment again if need be, and at the same time, many of them would not have gotten better. That is not to take away from the many, many great organizations that are doing a great job of treating drug-addicted folks, but we just want to make sure that when America's taxpayers' dollars are spent, that they are spent, again, in an effective and efficient manner, but we also want something else. We want to make sure that those people who find themselves in the clutches of drug addiction are able to depend upon treatment that can best help them.

So I applaud my colleagues on both sides of the aisle and in both Houses for

their cooperative efforts, and I again want to thank Mr. SOUDER for all the hard work. We have come now to what appears to be an end to a long journey, but I am hopeful that what we have done in this bill will affect generations yet unborn, for there are so many people that will never know what we were able to accomplish in this legislation, but they will be affected and they will be able to raise their families, hopefully get back to work, do the things that productive citizens do, and perhaps, just perhaps, another generation of folk who may have gone into drugs, we may have just prevented some of that.

Madam Speaker, I reserve the balance of my time.

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

I wanted to make a couple of additional comments before I yield back fully. This is a very comprehensive bill. It includes many programs that Members are familiar with in their districts but they may not have realized was under the Office of National Drug Control Policy.

One is the Counterdrug Technology Assessment Center. That is the primary resource of the United States Government that transfers technology to your local law enforcement. It has also been a great model. This bill requires it to be coordinated more closely with homeland security.

Quite frankly, I think one of the challenges in the homeland security is to make sure that they do what we have done in narcotics enforcement. And that is, if a local small town wants certain equipment because they think it is a fancy gadget, there is a review process that says that is not really what you need; this is more likely to effect and impact the type of narcotics enforcement you need in your community. But it is the primary transfer program for technology and a great model, and it reauthorizes that.

Also, we have had an exasperating 3-year fight with the drug czar over the lack of coordination in this administration on methamphetamine. There is a section here, approximately 4½ pages long, in the National Methamphetamine Information Clearinghouse Act. While the Combat Meth Act we passed in coordination with many State acts have at least leveled off and in some States resulted, actually resulted in a drop in the so-called mom-and-pop labs that are home grown, in some States they are still coming in. Florida has had an expansion. Some of this is to moving to Internet and some to crystal meth.

We have had no clearinghouse in the United States Government that worked with meth. This bill will add, in addition to our Combat Meth Act, it will put the office of the national director, who is supposed to be in charge of narcotics, in a position of having an organized effort now on methamphetamine, which has been in every State an in-

creasing major threat to so many families. It has sections on drug-endangered children and others.

Approximately 75 to 90 percent of all crime in America is related or at least enabled by drug and alcohol abuse; that in many States where we had hearings as many as 80 percent of the kids in child custody protection were because of meth or other drug abuse and danger to children. We heard horror stories about people high on narcotics who even put their baby children in a stove or others to warm them up because they were so wiped out. The Dawson family in Baltimore who were fire-bombed because they were afraid they were going to be witnesses in a case.

This bill addresses most of those things. It is absolutely essential that we get this department reauthorized with some guidelines because, unless Congress does its work, there are no guidelines on the executive branch to try to respond to what we are hearing in our grass roots.

So, once again, I want to thank Mr. CUMMINGS, Mr. DAVIS, Mr. WAXMAN and those in the Senate who have worked so long and hard on this, and I urge all Members to pass it.

Madam Speaker, I reserve my time.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), a member of our subcommittee who has worked tirelessly on this issue and has just been a real champion.

Mr. DAVIS of Illinois. Madam Speaker, first of all, I want to thank the gentleman from Maryland for yielding.

I also want to commend Chairman SOUDER and Ranking Member CUMMINGS for the tenacious and outstanding work that they have done on this issue ever since I have been associated with them and affiliated with the subcommittee. As a matter of fact, they have traveled all over America, the length and breadth of the country, listening to people, visiting with people. As a matter of fact, I do not know anybody who has worked harder on an issue than they have, and so I commend both of you for your tenacity and outstanding work.

I rise in support of H.R. 2829, Drug Control Policy Reauthorization Act of 2005, a policy which addresses prevention, interdiction and treatment, as well as all aspects of law enforcement.

The use and abuse of illegal, illicit and contraband drugs is one of the most challenging and difficult problems facing America. For example, in Cook County where I live, in a survey that was taken a couple of years ago, 800,000 individuals indicated that they used drugs, 800,000. I grant you that we have a population of over 5 million people but 800,000 of those said that they used illicit drugs; 300,000 indicated that they were what we call hard core drug users, every day or whenever they could find the money to purchase what

they need. As a matter of fact, the Chicago police records suggest that 75 percent of all the people that they arrest test positive for drug use.

If we could somehow or another reduce the use of drugs, crime statistics would go so far down until sometimes we would have a hard time finding them. There is a direct correlation between crime and drug use in America.

As a result of looking at this problem, I have become more and more a fan of what I call treatment on demand; that is, enough resources so that when individuals who are addicted decide that they are ready for treatment, that treatment is available to them and so that they do not have to wait 90 days or 60 days to get into a program, because in 90 days or 60 days or 30 days they may have decided that they do not want treatment anymore. So we lose the opportunity.

While again I commend Chairman SOUDER, Ranking Member CUMMINGS and certainly Chairman TOM DAVIS and Ranking Member HENRY WAXMAN for all of the attention that they have given, I hope that as we go into the new Congress in January that we can build upon the outstanding work that this subcommittee and the Committee on Government Reform has done and make certain that we have not only the resources available for law enforcement for prevention but that we also have enough resources available for treatment.

□ 1615

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

Mr. CUMMINGS. Madam Speaker, may I inquire as to how much time we have.

The SPEAKER pro tempore. The gentleman from Maryland has 6 minutes remaining.

Mr. SOUDER. Has the gentleman closed on the other side?

The SPEAKER pro tempore. And the gentleman from Indiana has 10 minutes remaining.

Mr. CUMMINGS. I just want to say this, Madam Speaker. One of the things that we were concerned about was our HIDTA programs, High Intensity Drug Trafficking Areas. When we saw the budget, the budget basically cut substantially the funds for HIDTA, and we in our subcommittee and in our committee have seen the great work of the HIDTA throughout our country and we were determined to make sure that they stayed intact and continued to do the jobs that they have done so effectively.

One of the good things about HIDTA is that they are able to bring together our Federal, our local, and our State law enforcement officers so they can work together. And, again, going back to our taxpayers' tax dollars, to use those dollars effectively and efficiently to fight drug violence and drug crimes, crimes related to drugs.

But as I sat and listened to Congressman DAVIS and certainly to Mr.

SOUDER, I could not help but be reminded of just about 4 months ago as I was standing in my district in a supermarket and a young man standing in front of me was talking to me saying he was looking for a job, and he pulled up his shirt and he showed me the barrel of a gun. And as he was standing there, he said, I am looking for a job because I simply do not want to continue to go around sticking up people to feed my drug habit.

That thing really shook me up, because when you have got somebody possibly committing two or three robberies a day, as he told me, that says a lot. And I think that we fail sometimes to understand how deep this problem is and how it goes against the very safety of all of our residents, no matter where they may live. And if there is anything that I have learned from being on this subcommittee, it is that there are no boundaries. There really are no boundaries with regard to drug addiction and the problem of drugs. One of the things that I know Mr. SOUDER will agree with me, when we got so much interest from our friends in the Congress who are seeing just a terrible problem with methamphetamines, they have come forth and they have been very, very helpful in helping us to figure out how to address not only the problems of methamphetamines, but the problems associated with heroin, associated with crack cocaine, with cocaine, and so many other drugs.

So I think that all of us have to understand that, no matter where we may live or who we may represent, that we all may have different problems but still we need to work together to address those problems in a way that is effective for all of us, because, again, we are trying to heal the Nation and heal those people who have again found themselves in the clutches of this horrible, horrible situation.

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

Mr. SOUDER. I urge all Members to support the passage of H.R. 6344, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 6344, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL WILDLAND FIRE-FIGHTER CLASSIFICATION ACT

Mr. SOUDER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5697) to provide for the appropriate designation of certain Federal positions involved in wildland fire suppression activities, as amended.

The Clerk read as follows:

H.R. 5697

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Wildland Firefighter Classification Act".

SEC. 2. REQUIREMENT.

(a) IN GENERAL.—In the administration of chapter 51 of title 5, United States Code, the Director of the Office of Personnel Management shall ensure that the official title assigned under such chapter to any class or other category of positions described in subsection (b) shall include the designation of "Wildland Firefighter" or words to that effect.

(b) APPLICABILITY.—This section shall apply in the case of any class or other category of positions that consists primarily or exclusively of forest technician positions, range technician positions, or any other category of positions the duties and responsibilities of which include significant wildland fire suppression activities.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "class" and "position" shall have the meanings set forth in section 5102 of title 5, United States Code; and

(2) the terms "forest technician position", "range technician position", and "significant wildland fire suppression activities" shall have the meanings specified by the Director of the Office of Personnel Management.

SEC. 3. HAZARDOUS DUTY DIFFERENTIAL NOT AFFECTED.

Section 5545(d)(1) of title 5, United States Code, is amended by striking all after "except" and inserting an em-dash and the following:

"(A) an employee in an occupational series covering positions for which the primary duties are wildland firefighting, as determined by the Office; and

"(B) in such other circumstances as the Office may by regulation prescribe; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

H.R. 5697, the Federal Wildland Firefighter Classification Act, was introduced in June by Representatives RICHARD POMBO and JON PORTER to ensure that Federal wildland firefighters receive the recognition that they deserve in the Federal hiring process. Specifically, the legislation would designate employees who engage in firefighting duties as having the title "wildland firefighter" in Federal job classifications. The importance of this legislation is well documented in hearings

and testimony before several congressional committees. Also, we have witnessed the sacrifice these firefighters are willing to make to keep communities and their property safe.

Current wildland firefighter classification standards are far outdated and simply do not accurately reflect the all-risk duties performed by these brave men and women all year round. This legislation is the least we can do for these Federal wildland firefighters who lost their lives and those who continue to rehab from serious scarring and life-altering burns.

I urge all Members to join me today in supporting this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, last August, the Federal Workforce and Agency Organization Subcommittee held a hearing in Las Vegas on Federal firefighter compensation. In addition to pay, one of the concerns raised at the hearing by the Federal Wildland Fire Service Association was the classification of Federal wildland firefighters.

Federal wildland firefighters are classified as either general schedule or wage-grade employees of the Federal Government. However, many of them are placed in the occupational series called forestry technicians, range technicians, and biological science technicians that do not reference their firefighting duties. These current classifications do not accurately represent the work performed by these wildland firefighters. H.R. 5697 would correct that by redesignating forest and range technicians as Federal wildland firefighters. This bill changes the name but not the pay of those currently called wildland firefighters or technicians. H.R. 5697 is supported by the FWFS, and I urge my colleagues to do the same.

Madam Speaker, I strongly support this bill, and yield back the balance of my time.

Mr. SOUDER. I have no further speakers, and I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 5697, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 10 o'clock and 25 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

H.R. 5076. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

H. Con. Res. 497. Concurrent resolution to honor the memory of Arnold "Red" Auerbach.

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

H.R. 5946. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running

on the period of limitations while such claims are pending.

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

S. 1876. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 843) "An Act to amend the Public Health Service Act to combat autism through research, screening, intervention and education".

HOOR OF MEETING ON TOMORROW

Mr. REGULA. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow.

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

There was no objection.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2006.

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

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), I hereby reappoint Mr. Michael Wessel of Falls Church, Virginia, to the United States-China Economic and Security Review Commission for a term expiring December 31, 2008. His current term expires December 31, 2006.

In addition, I hereby appoint to that Commission Mr. Jeffrey L. Fiedler of Great Falls, Virginia, to fill the remainder of the term of Mr. George Becker, who is resigning effective December 31, 2006. The current term on which Mr. Fiedler succeeds Mr. Becker expires December 31, 2007.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

COMMUNICATION FROM DEMOCRATIC LEADERS OF UNITED STATES HOUSE OF REPRESENTATIVES AND SENATE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY

PELOSI, Democratic Leader, U.S. House of Representatives, and the Honorable HARRY REID, Democratic Leader, U.S. Senate:

CONGRESS OF THE UNITED STATES,
Washington, DC, December 7, 2006.

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

DEAR MR. SPEAKER: Pursuant to the provisions of Public Law 109-236, we hereby appoint the following individual to serve as a member of the MINER Act Technical Study Panel: Dr. James L. Weeks of Maryland.

Sincerely,

NANCY PELOSI,
Democratic Leader,
House of Representatives

HARRY REID,
Democratic Leader,
U.S. Senate.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2230

FAREWELL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, 14 years ago I began my fight for social and economic justice in the House of Representatives on behalf of middle-class families in my State of Ohio. During those years, this Chamber saw at times heated, even acrimonious debate that often divided this room. At other times, the Nation, through C-SPAN, bore witness to bipartisan teamwork on behalf of families across our country. I treasure every moment as I prepare to leave the House and join the Senate.

I will be forever grateful to my House colleagues of both parties with whom I worked side by side on issues of great importance to middle-class families, to working families, on health care and trade and education. You are all too many in number to name, but so many played a significant role in making my time here in the House one of which I will be exceptionally proud.

I thank you all for that.

It was an arduous year for the country and an inspiring one. It served as a reminder that those of us blessed with the privilege of serving in this great institution do so always at the pleasure of the people in our great country.

This year showed something equally important: The time has come to put the fight for social and economic justice and progressive values into action on behalf of middle-class families and working families. It is time for Democrats and Republicans to work together to deliver upon promises made during stump speeches. It is time for the House and Senate to work together to

raise the minimum wage, to build an alternative energy industry, to expand access to affordable health care, to lower the cost of tuition, to revamp our trade policy so we again create good-paying jobs in our communities.

It is time to unabashedly take up the fight for social and economic justice at every level of government and at every corner of our free market system. We are the world's leading superpower, and with that comes the responsibility to lead by example. It is time for Congress to lead by example and fight for justice for all Americans.

In a few short weeks, I will take that fight to the United States Senate. I will take with me the values that served me well during these past 14 years, values shared by so many of my colleagues in Washington, by families across Ohio, and by one very special friend.

It is often at the hardest times that the greatest truths are confirmed. Such was the case this week for my family and me.

We lost a dear friend, my best friend of 30 years, John Kleshinski, last Wednesday. He was only 55. John was not just a champion of social and economic justice, he was a hero to so many. A successful businessman, John was also a man of great faith, who felt his formidable professional accomplishments bestowed upon him a responsibility to give back to his community, to fight for justice for the weakest among us. A man who took up piano in his late forties, he had his first recital at 50 and became the board chairman of the local community organization and established scholarships for underprivileged children. He gave back in more ways than I can mention in 5 minutes.

But more important than the generosity of his time and money was his generosity of spirit. He was a man who found joy in the triumph of others, and in doing so he led by example showing us all the best we can be when we commit ourselves, neighbor to neighbor, Democrat to Republican. John left a legacy that will now be emulated by the thousands of lives he touched. We will all, in effect, pay it forward. Thank you, John, for that.

We are the legacy we create, each of us as husbands and fathers, as wives and mothers, as employees and workers, and, yes, as elected officials. It is the mission of the 110th Congress to create a legacy in which families thrive and our Nation is strengthened, social and economic justice, fair trade, affordable health care for all, quality education. They sound like campaign slogans, and for the last year across this country they were, but they are now our tasks at hand.

We have much work to do, the House and the Senate, Democrats and Republicans. It is our time to lead by example to chart a path that establishes a legacy of unparalleled productivity on behalf of middle-class families. It is time that social and economic justice takes its rightful place in the halls of Congress. It is time to get to work.

I wish the families of Ohio and this country a safe holiday season and a blessed 2007. I especially thank my family, my mother Emily, who has led the fight and education in our family for social and economic justice; my brother, Bob, and his wife, Catherine Scalon; and my brother Charlie, and his wife Anne Swanson; my daughter Emily and her husband Mike; my daughter Elizabeth; my daughter Caitlin; my son Andy and his fiancée, Stina; and, more than anybody, my dear wife, Connie Schultz, who has stood and led and done so much to make the lives of our family so much better and the lives of people around my State better.

God bless you, John. We will all miss you.

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GENERAL LEAVE

Mr. REGULA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to submit statements for the RECORD on the retirement of MICHAEL G. OXLEY, a Member from Ohio.

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

There was no objection.

TRIBUTE TO THE HONORABLE MICHAEL G. OXLEY UPON HIS RETIREMENT FROM THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Madam Speaker, it is my pleasure to rise today to pay tribute to my friend and colleague of the Ohio delegation, MIKE OXLEY, as he concludes 25 years of service to the constituents of Ohio's Fourth Congressional District, this House and the people of this Nation. Many of MIKE's colleagues will be submitting statements today or tomorrow to pay tribute to MIKE, or during the week. So I will limit my remarks in order to allow each of them the opportunity to speak if they should so desire.

MIKE has been a member of our Ohio delegation in this House since 1981. He has served with distinction for these past 25 years. He has put in the hard work required to learn the issues that have come before him within the committee jurisdictions of both the House Energy and Commerce Committee and, most recently, the House Financial Services Committee. As chairman of the Financial Services Committee, he is the author of the Sarbanes-Oxley

Act, a historic corporate accountability bill.

In addition to his commitment to the serious work of this body, MIKE's friendly, outgoing personality and his love of sports, particularly baseball, helped to bring a positive atmosphere both in his committee and here in the House. We will miss MIKE very much and wish him and his wonderful wife, Pat, well in their future pursuits.

Mike Oxley is completing a twenty-five-year career in the U.S. Congress and a career in public life of over thirty years.

Mike was born in Findlay, Ohio, on February 11, 1944, to Maxine and Garver Oxley. He attended public schools there through his graduation from Findlay High School. Mike earned his B.A. from Miami University (Oxford, Ohio) in 1966, where he was student body president, and his law degree from The Ohio State University College of Law in 1969. He worked on the staffs of U.S. Representative Jackson Betts, Attorney General William B. Saxbe, Lieutenant Governor John W. Brown, and Cleveland Mayor Ralph Perk. After law school graduation, he became a special agent of the Federal Bureau of Investigation based in Boston and New York, where he met Patricia Pluguez. Mike and Pat were married in November 1971, and are the parents of a son, Chadd. The Oxleys moved to Findlay, where Mike joined his father's law firm: Oxley, Malone, Fitzgerald, and Hollister. He was elected to the Ohio General Assembly in 1972. He represented the 82nd Ohio District until he won a special election in July of 1981 that sent him to Washington to serve in the U.S. House of Representatives.

In a lifetime of representing his districts in rural and small-town Ohio, Oxley has dedicated himself to promoting the values and policy goals he shares with his constituents: economic prosperity, family, lean government, low taxes, a strong defense and intelligence capability, free trade, competition, and the U.S. as the leader of the free world.

District Accomplishments:

Transportation and Economic Development
 Joint Systems Manufacturing Center-Lima
 Ohio Air National Guard 179th Airlift Wing
 Marathon Oil
 University of Findlay Center for Terrorism Preparedness
 River Valley Schools
 Public Safety
 Agriculture
 Health and Environment
 Housing
 Reagan-Bush I Era:
 Economic Recovery Tax Act (1981)
 Tax Reform Act (1986)
 Rebuilding the U.S. Military
 MX Missiles and the Nuclear Freeze
 A Strong Foreign Policy
 Gulf War Resolution (1990)
 Improving Economic Competitiveness
 Curbing Entitlements and Wasteful Government Spending
 Energy and Environment
 Social Security Reform (1983)
 The Republican Majority Era:
 Contract with America
 Protecting America's National Security
 Restoring the National Defense
 Tax Relief and Economic Growth
 Fiscal Responsibility
 Regulatory and Tort Reform
 Open Markets and International Trade
 Welfare Reform
 Health Care
 Moral Values
 Personal Legislative Achievements:
 Sarbanes-Oxley Act (2002)

PATRIOT Act (2001)
 Financial Services Modernization
 Telecommunications Reform
 Trade and Economic Opportunity
 Energy and Environment
 Decency in the Internet Age
 Muhammad Ali Boxing Safety Act
 Public Safety
 Defending American Values
 A Legacy of Leadership Financial Services:
 Sarbanes-Oxley Act (2002)
 The Common Cents Stock Pricing Act (1999)

The Investor and Capital Markets Fee Relief Act (2001)

PATRIOT Act (2001)
 Terrorism Risk Insurance Act (2002)
 Gramm-Leach-Bliley Act (1999)
 Fair and Accurate Credit Transactions Act (2003)

Check 21 Act (2002)
 Deposit Insurance Modernization (2006)
 American Dream Downpayment Act (2003)
 Mike Oxley's credo has always been "play hard, but play fair." He was guided by that philosophy both in the halls of Congress and on the athletic field. Oxley played in the Congressional Baseball Game for Charity for 16 years, manning every position except pitcher and catcher. He managed the Republican team for the last eight years, compiling a 7-1 managerial record and raising more than a half million dollars for charitable causes.

Mr. BACHUS. Mr. Speaker, it is with great admiration that I rise today to recognize the 25 years of public service that Chairman OXLEY has bestowed upon this body. He is a dedicated and hard-working public servant whose leadership as Chairman of the Financial Services Committee has been exemplary. Under Chairman OXLEY's leadership, the Financial Services Committee enjoyed an unprecedented level of collegiality and comity that permitted us all to work together and get things done.

Chairman OXLEY has a series of legislative successes few others can rival. When investor confidence was at a low, Chairman OXLEY restored confidence in our financial markets by authoring the landmark Sarbanes-Oxley Act. This legislation established tough new standards to ensure corporate accountability to all American shareholders. In addition Chairman OXLEY was responsible for the passage of The Fair and Accurate Credit Transactions Act, or FACT Act, which gave consumers new identity theft protections and also improved credit report accuracy. Chairman OXLEY also spearheaded efforts to reform our nation's deposit insurance system and modernize our check clearing process which brought our antiquated systems into the 21st century. These achievements will have a positive impact on our financial services system for generations to come.

Aside from his leadership in the House, MIKE OXLEY has been a true mentor and friend. Fortunately, this is not a retirement for MIKE OXLEY but a beginning of a new chapter in his career. I look forward to working with him in whatever his future endeavors may be. Although I am losing a colleague and fellow Member, Linda and I look forward to many years of continued friendship with MIKE and his wife Pat.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WAR AND THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, the President has repeatedly said that he is not interested in engaging in Iran in an effort to stabilize Iraq. There is a tragic irony in the President's intransigence. While the President is unwilling to talk to Iran, his policies in Iraq, in reality, are allowing Iran to take over Iraq. But if we don't recognize and act on this soon, Iran will succeed.

This is real, it is not rhetorical. Actions by the President, through his appointed surrogate to run Iraq, Paul Bremer, that date back to the first days of the U.S. invasion, have created a situation today that makes Iraq a prime candidate for what Iran could never accomplish on its own militarily; that is, taking over Iraq, its oil, its infrastructure, even its existence as a separate Nation. Iran couldn't successfully invade Iraq, but we did, and now we are playing right into the hands of the Iranians by not acting on what Iraqis see happening.

The media portrays an overly simplistic picture of sectarian struggle. We hear a lot about Shi'a and Sunni Iraqis, but we don't hear about Persians; that is, Iran and the Persian versus Arab is where the real battle for Iraq will be won or lost. Every time the President meets with Iranian Shi'a clerics, or those connected or controlled by them, he confirms in the Iraqi-Arab minds, both Shi'a and Sunni, that he is ceding control to the Iranians.

It began with Bremer's decision to give the Shi'a control of the governing council. Then his decision to disband the Iraqi Army and the Baathist technocrat government further confirmed to the Arabs the feeling that the United States, despite its protests to the contrary, was opening up Iraq to an Iranian takeover. The borders were open.

This is not my speculation, this is what moderate leaders in the Middle East told me in face-to-face meetings I attended in Amman, Jordan recently. Moderate leaders desperately want the American people to understand what is really going on, because they see that as perhaps their last hope of getting our President to see.

To the Iraqi Arabs, there are only two explanations to account for Paul Bremer's actions: a blunder based upon ignorance of the history of the region, or a deliberate decision to neutralize Iraq as a strong Arab secular nation, thereby making it more susceptible to U.S. influence in the future.

Moderates in the region see it this way. The President, and therefore

America, continues to openly act in ways that enable an Iranian takeover. Just the other day, the President met with the leader of the Supreme Council of Islamic Revolution in Iraq, Abdul Aziz Hakim, in the White House. He is controlled and tied to the Iranians. This comes on the heels of the President's meeting and endorsement of al-Maliki.

Meeting with Iranian-controlled Iraqis, no matter what sect they belong to, confirms to many in the region that the President doesn't understand the current situation. Moderates told me the resistance in Iraq is based on the U.S. occupation and a power grab by the Iranian-controlled clerics. Blaming it all on Sunni-Shi'a tensions is not just incorrect, they say, it is exactly what Iran hopes for, because it leaves them hidden.

Here is another example. Moqtada al-Sadr, a Shi'a leader, left the coalition with the Iranian-controlled SCIRI and joined the Arab Sunnis. Al-Sadr strongly opposes the U.S. occupation of Iraq, and some see the meeting between the President and the Iranian leader of SCIRI as only deepening the passions against the United States. Friends of the United States in the region, and even foes, believe the same.

To many in the region, one only need look at history to understand. Arabs and Persians have fought for centuries before Islam even existed, and their enmity remains intense. Persians are the Iranians. Arabs are the ones in Iraq. Failure by the President to understand it is Persian versus Arab or Iran versus Iraq that is going on, has produced one disastrous decision after another. The solution, they believe, is obvious. Strategically, redeploy the U.S. troops out of Baghdad, out of the cities, and onto the Iranian border to stop the infiltration of Iranian agents into Iraq.

Some Arab leaders told me they estimate as many as 14,000 Persians, Iranians, have infiltrated to run death squads who are killing the Arab Sunnis and inciting a civil war as cover for the real war that is Iran versus Iraq.

Unless we change the course, unless we draw back our troops out to the borders in preparation for ultimately leaving the country, the day will come when the only banner proclaiming "mission accomplished" will be flown by Iran. We can't let that happen. We have to change the course. The President must see this is not a sectarian fight between Shi'a and Sunni, it is between Iraq and Iran. They fought for 8 years, just recently, and now they are doing it again, and we have allowed them, the Iranians, to have the goal of making it happen.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2245

HONORING VETERANS AND THEIR OUTSTANDING COMMUNITY SERVICE

The SPEAKER pro tempore (Mr. REGULA). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today in remembrance of Pearl Harbor Day, to honor those who fought for us in World War II and those who lost their lives this day 65 years ago. Also I am honored to pay tribute to two extraordinary veterans from Winston-Salem, North Carolina who continue to work tirelessly for our country and its veterans.

These distinguished men have served our Nation with bravery and honor, and years after they have retired from active duty their commitment to community and other veterans remains an important part of their lives.

Sergeant George W. Carter served in the United States Army during the Korean War and earned the Silver Star for gallantry against an armed enemy. In addition to earning the Silver Star, Mr. Carter was awarded the Bronze Star with two V's, along with the Purple Heart, Army Good Conduct Medal, Occupation of Japan Medal, National Defense Service Medal and several other medals. After the war, Mr. Carter served 5 years in the Reserves and then returned to the trucking industry, from which he retired in 1994.

In 1999, Mr. Carter was employed by the Department of Veterans Affairs as a security guard. At the age of 76, Mr. Carter retired from the Department of Veterans Affairs, but did not retire from service to his country.

In 2003, Mr. Carter began volunteering at the Winston-Salem outpatient clinic 3 days a week. He often picks up Krispy Kreme donuts at 5:30 a.m. and arrives at the outpatient clinic at 6 a.m. to set up coffee tables, napkins and snacks before the first patients arrive.

Today, December 7, 2006, Mr. Carter at 79 years old is still serving his country. In the last 3 years, he has volunteered over 2,000 hours to serve, console and support veterans.

Another distinguished gentleman is Mr. Howard Petree, a World War II and Korean War veteran who also continues to serve his country and community with honor and dedication long after his active military service.

He served in the United States Army stateside in World War II after being drafted in 1943. In 1946, Mr. Petree served in the Army Field Artillery with a T-4 rank. He also served in the Korean War as a First Class Supply Sergeant. After being honorably discharged in 1952, Mr. Petree worked in a local municipality as a commercial water repairman for 32 years.

In 1997, Mr. Petree became one of the first volunteers at the Winston-Salem Outpatient Clinic. He volunteered from

6:45 a.m. until 12 noon 3 days a week until 2005. In 2005, he reduced his volunteer time to 2 days a week.

Mr. Petree also volunteers setting up coffee tables, napkins and snacks before the first patients arrive. He serves coffee, as well as answers questions for veterans and shares his experiences with them.

Today, Mr. Petree at 84 years old is still serving his country out of a selfless personal obligation to help others and to connect and assist other veterans. In the last 8 years, he has volunteered over 4,000 hours.

It is appropriate to honor these two gentlemen today. Years after their active military service, they continue to work with veterans and support those who have defended our country from tyranny and oppression, just as they themselves did. Although these men may no longer wear the uniform on active duty, their obligation and love of this country continues.

I ask my colleagues to join me in honoring Mr. George W. Carter and Mr. Howard Petree for their steadfast and faithful service to this Nation and their continued work with the very men and women who have made this the free country that it is today. The Winston-Salem Outpatient Clinic is lucky to have such fine men who are a inspiration to us all.

TURKEY MUST OPEN PORTS TO CYPRUS; EUROPEAN UNION MUST NOT ALLOW DEFIANCE TO CONTINUE

The SPEAKER pro tempore (Mr. REGULA). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, over the next couple of weeks the world will see how serious Turkey takes its accession talks with the European Union. We will also learn if the European Union is serious about ensuring Turkey complies with promises it made in order to begin those talks last year.

Last month, Turkey's accession talks took a turn for the worse when it broke a promise to begin trading with EU Member Cyprus. Back in July of 2005, Turkey agreed to open its ports and airports to 10 new European members, including Cyprus, as one of the conditions for beginning membership talks with the EU. Talks began later that year, but to date Turkey has refused to begin trading with Cyprus.

Turkey simply cannot be allowed to defy established European Union conditions without facing penalties. It must open its ports and airports to Cyprus ships and airplanes under the conditions it agreed to back in 2005. Cyprus is a Member of the European Union, and if Turkey is really interested in joining the Union, it cannot be unwilling to trade with one of the EU members.

Fortunately, Mr. Speaker, the European Union has taken note of Turkey's

defiance. Late last month, EU Enlargement Commissioner Olli Rehn recommended a partial suspension of eight of the 35 policy areas included in the EU accession talks. Foreign ministers of the European Union will decide next week whether to back those recommendations.

I want to commend Commissioner Rehn for taking this action and strongly recommend that the foreign ministers approve it so that Turkey knows that the European Union is serious about living up to the promises it made before this process began.

In response to the European Union's action, Turkey came back with a proposal earlier this week that would allow ships from Cyprus into Turkey ports only if they are air carrying Cypriot goods. Turkey also demanded again, separate from the promises they made in 2005, that one of the ports in the illegally occupied north be opened for international traffic. The Cypriot Government correctly called this latest proposal a mockery of the European Union and the EU official said the proposal is not yet suitable to end the stalemate. Turkey should not simply be able to renegotiate promises they have already made.

Mr. Speaker, I am also baffled by some editorial pages here in the U.S. and around the world and some world leaders, including British Prime Minister Tony Blair, who have chosen to take the collective opinion that the European Union action was taken only to embarrass Turkey and to put another roadblock up in front of it, making it more difficult, if not impossible, for them to join the European Union. This thinking is dangerous.

Turkey said it would open its ports and airports to Cyprus and has yet to do it. What is the European Union supposed to do, just allow this to continue without any penalties? It is not as if the accession talks have come to a close. The talks will continue with only eight of the 35 policy areas being frozen until Turkey agrees to open its ports.

This is a fair recommendation that must be approved by foreign ministers next week. If the recommendation is rejected, Turkey will come away believing that it can get away with breaking promises in the future without any penalties, and that is dangerous for a country that still must make major strides in human rights and other areas before it meets the criteria to join the European Union.

Some world leaders seem to think that Turkey should not have to make some of the same concessions that other countries made in order to join simply because of its strategic position in the world. I reject this notion. I believe that the relationship between Cyprus and Turkey is one that must seriously be addressed by the European Union before Turkey is allowed to join.

Today, Turkey continues its 30 year illegal occupation of the northern third of Cyprus. Not one country other than Turkey recognized the occupied section as its own nation. Turkey simply will

not be able to join the European Union without finally conceding this land back to its rightful owners.

I strongly urge the European Union foreign ministers to send a strong message to Turkey that it must comply with promises it made before the accession talks began. They can do this by passing Commissioner Rehn's recommendations next week and not allowing Turkey to renegotiate issues concerning Cyprus.

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GENERAL LEAVE

Ms. KAPTUR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

TRIBUTE TO THE HONORABLE LANE EVANS, MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise this evening to pay special tribute to our beloved colleague from Illinois, Congressman LANE EVANS.

Truly, LANE has been a man for others throughout his entire life; a patriot, a marine, someone who began his career after serving in Vietnam as a marine as a legal aid lawyer. He was always there for others. He truly is a beloved Member of this House, probably one of our most humble Members, and yet heroic throughout his service; a very, very strong human being.

I was privileged to be elected with LANE back in 1982 as we became classmates in the 98th Congress of that year. It was quite a large class, over 60 new Members at that time. I can remember meeting him at the very beginning, another son of the working class of people who came here to make a difference.

LANE ultimately became a leader in veterans affairs, a leader in fighting for better jobs with wages and pensions that people can depend upon, and taking on causes that were close to his heart, obviously representing rural Illinois. He cochaired the Ethanol Caucus long before we had the kind of attention paid to it today.

But in his capacity on the Veterans Affairs' Committee where he served from the very beginning, he was successful in spearheading efforts to pass

legislation to compensate Vietnam veterans for diseases linked to exposure to Agent Orange.

I can remember the debate in those days back in the 1980s when the scientists would come up and say, Well, you know, we can't really prove why those cancers are caused, all these soft tissue cancers related to Agent Orange. The committee, with LANE's leadership and personal experience, came to conclude that there is a difference between doing what is morally right and what is scientifically provable, and LANE EVANS always stood for what is morally right.

Many words come to mind when I think of LANE: his honesty, his trustworthiness, his likability. He was a man of his word, a really good human being, and a good humored human being. He always had a joke. He was kind to all of us, intelligent, persevering and very, very unselfish.

He won passage of a law that delivers health and compensation benefits to children of veterans exposed to Agent Orange who were born with spinal bifida, a crippling birth defect. It represented the first time children of veterans received that benefit. And he led efforts to expand services to women veterans and pushed for increased help for veterans suffering from PTSD, posttraumatic stress disorder, and crafted legislation to direct services to the large numbers of homeless veterans.

I can remember his efforts to set up the storefront homeless centers all across our country so that homeless veterans would feel comfortable. Many of them were not going into the traditional veterans facilities. He understood that. He played a leadership role in helping us to recognize the health needs of First Gulf War Syndrome.

In 1995, he rose to become ranking member on the Veterans' Affairs Committee, and he was the chief House sponsor of legislation to ban the use of anti-personnel land mines. He knew a lot about that, having been a veteran himself.

In recognition of his outstanding leadership, Congressman EVANS in 1990 was awarded the Vietnam Veterans of America first annual President's Award for Outstanding Achievement, and then in 1994 he received the AMVETS Silver Helmet Award, called the Oscar of veterans honors.

LANE is the son of a firefighter and a nurse and has been a tireless advocate and champion of the rights and needs of working Americans, from fighting for higher minimum wage, to seeking affordable health care for all Americans, to protecting good jobs at good wages in Illinois and throughout our country. Throughout our two decades here, that has been a monumental struggle, and he never let up on his persevering efforts.

I want to thank the people of Illinois tonight for sending such a great human being to this Congress.

Eight years ago, LANE EVANS contracted Parkinson's disease. As he has served with us and we have sat by him and worked with him, he never complained once. We watched him as it became more difficult for him to smile and to lift his arms and to come here to the floor, and he has done that through his 24th year.

I can remember when he started the basketball games over at Georgetown to raise money for philanthropic causes here in the Capitol for the needy. He was always helping others, and he did not pay that much attention to himself. In fighting Parkinson's disease, which he is still fighting, he became a model to all of us on what the words "Semper Fidelis" mean.

So, LANE EVANS, I want to thank you on behalf of the people of Ohio and on behalf of your colleagues here in the House. You truly have been a worthy servant and it has been an honor to serve by your side. We wish you God-speed, and we thank you so very much for making us better by knowing you.

Mr. COSTELLO. Madam Speaker, I rise tonight to honor the distinguished career of my good friend and colleague, Congressman LANE EVANS. LANE is retiring at the end of this Congress, and the House of Representatives will miss his leadership and untiring support of our nation's veterans.

LANE has devoted most of his entire professional life to service to the United States of America. He grew up in the heart of the district he represents, entering the Marines out of high school and serving in Vietnam. When he returned, he went to college and earned his law degree at Georgetown, and was elected to Congress in 1982.

Since then, he has made a tremendous impact on issues of national importance, such as agent orange compensation for affected veterans, investigating Gulf War illness, and the effort to ban land mines. While never seeking the spotlight, our veterans, military retirees and active duty service personnel know they have not had a greater advocate in Congress than LANE EVANS. LANE was awarded the Vietnam Veterans of America's first annual President's Award for Outstanding Achievement in 1990 and he received the AMVET's Silver Helmet Award in 1994, known as the "Oscar" of veterans honors.

At the same time, LANE has always defended the rights of working men and women, protecting the ability to collectively bargain while opposing unfair trade deals that have sent good paying jobs overseas. He has been a leader on environmental issues and a friend of the family farmer. Above all, LANE has been a steady presence for the issues he believes in and the constituents he represents.

Over the last several years, LANE also gained prominence for his ongoing battle with Parkinson's disease. The dignity with which he has faced this disease has inspired many, and helped educate the public about the disease. Not many people know how painful the disease can be, and you would never know it from LANE, as he has faced this ordeal with the same courage and determination he went to war and served in Congress.

Madam Speaker, what I appreciate most about LANE is his consistency. Whenever LANE was needed, he was there. His service to our

country has been profound and I wish him the best as he prepares for this next chapter in his life. I am honored to call him my friend.

Mr. OBEY. Madam Speaker, I rise in joining my colleagues tonight in recognizing the service of LANE EVANS. LANE is one of those people who came to Congress willing to work and not very interested in getting much attention or claiming much credit. All the work he did demonstrated his beliefs that we are here not to make a name for ourselves, but to make life better for the people who make this country strong. He was an advocate for the American worker and an advocate for the American Veteran. Since 1995 when LANE became Ranking Member of the House Committee Veterans Affairs, no one has tried harder to honor our obligations to those who have served our Country in uniform. Like the lighthouses on the Great Lakes, LANE has been a beacon of wisdom. When you follow LANE EVANS, you know you are going in the right direction.

In addition, he is just a first rate human being. I wish him well and offer my sincere gratitude for his service.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL of New Mexico addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2300

TRIBUTE TO LANE EVANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, I rise today to pay tribute to my colleague from Illinois, LANE EVANS, and recognize his long, distinguished career in public service.

From his time in the U.S. Marine Corps to nearly a quarter century in the House of Representatives, LANE has always put his country first, and now with his retirement at the end of the 109th Congress I join my colleagues in thanking LANE for his great service to his district, the State of Illinois and our Nation.

LANE Evans bravely served in the Marine Corps during the Vietnam War. His experience in the military and his firsthand knowledge of veterans' issues led LANE to become a leading advocate for veterans during his time in Congress. On issues critical to veterans, such as post-traumatic stress disorder, the effects of Agent Orange, and home-

lessness to veterans, LANE Evans was consistently a leader in crafting real policy solutions. LANE's leadership on veterans' issues was formally recognized in 1995 when was named ranking member of the House Committee on Veterans Affairs.

In addition to his great work on veterans' issues, LANE has always dutifully served his constituents and the State of Illinois. He has been a strong advocate for working Americans and was one of the first to see the need for renewable energies, especially for ethanol.

My own experience in the hallowed halls of Congress began more than 20 years ago when I worked as an intern in LANE Evans' office. I will never forget how he was a great example to me. He showed how to be a truly compassionate and effective leader in the House.

LANE Evans' legacy will certainly reflect his commitment to our great Nation. His insight, passion and presence will be deeply missed by all of us.

I wish LANE all the best in his retirement, and we are all truly grateful for his dedicated service, and we will truly miss the man and his dedication and the friend that he was to so many in this chamber.

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentlewoman from Texas (Ms. SEKULA GIBBS) is recognized for 5 minutes.

(Ms. SEKULA GIBBS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. PRYCE) is recognized for 5 minutes.

(Ms. PRYCE of Ohio addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. HEFLEY) is recognized for 5 minutes.

(Mr. HEFLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. COSTELLO) is recognized for 5 minutes.

(Mr. COSTELLO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

(Mr. KING of Iowa addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

(Mr. SCOTT of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

(Mr. LEWIS of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VACATING 5-MINUTE SPECIAL ORDER

Mr. LEWIS of Georgia. Madam Speaker, I have a Special Order for tonight I am taking out with Mr. SCOTT and Mr. BISHOP.

The SPEAKER pro tempore. Without objection, the 5-minute for Mr. LEWIS is vacated.

There was no objection.

PROPOSED DELTA/U.S. AIRWAYS MERGER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. LEWIS) is recognized for 28 minutes as the designee of the minority leader.

Mr. LEWIS of Georgia. Madam Speaker, joining me tonight are Mr. SCOTT and Mr. BISHOP from Georgia.

Madam Speaker, I rise tonight to tell you about a bad deal, a very bad deal. You may have read about the recent unwanted, unsolicited and unnecessary bid from U.S. Airways to take over a strong, proud, Georgia company named Delta Airlines.

But Americans have learned the hard way that bigger is not always better, and in this case, Delta's takeover by U.S. Airways will have a devastating impact on the people of Atlanta, on the east coast of this country, and it will rob the American travelers of the economic advantages that competition creates.

Mr. Speaker, today I represent thousands of Delta employees all over Georgia, hundreds of Delta pilots, and the executive leadership of that organization. Delta employees and its executive are working through some difficult problems right now as they reshape the company, but when it comes to this merger, they speak with one strong and mighty voice.

Management and employees agree on this. None of them are for this deal. I think that speaks volumes, Madam

Speaker. It demonstrates how deeply they believe this takeover will impair the quality of airline transportation in our country.

You may have heard that Delta had run into some problems and was going through bankruptcy proceedings, but it is about to emerge from this bankruptcy a stronger, better airline, with a renewed commitment to serve the American people, American travelers and world travelers.

Delta had problems but it was not a failing company. They have used the hardship of bankruptcy to make tremendous progress. In spite of its challenges, it has created 70 new international destinations. It offers service to all 50 States. Employee morale has improved. Pensions for 90,000 employees and retirees were saved, and 2,500 pilots, machinists and other employees have been called back to work.

It is because of the sacrifice of Delta employees and executives to make good on its commitments to its creditors that it became a prime target for this hostile merger. It is because Delta was able to win the uphill battle of bankruptcy and is poised to emerge transformed that U.S. Airways want to take it over against its will. That is not right, that is not fair, and that is not just.

This is not a case of the survival of the fittest. U.S. Airways is in trouble. It has already gone through two bankruptcies and cannot seem to bring its merger with America West to a close.

In 2004, U.S. Airways was on death's doorstep. It had no choice but to merge with America West. It would have had to liquidate all its assets if it had not merged with another company, but 2 years later, the integration of U.S. Airways and America West is still not complete. The majority of its labor groups are still working under separate contracts. It still has two IT systems. U.S. Airways has not even repainted all of its aircraft.

Madam Speaker, even though U.S. Airways cannot seem to manage its own merger, it is hoping and praying that it can take advantage of the hard work and tough sacrifices the good people of Delta have already made so that it can survive. This is not a win-win situation. It is a win for U.S. Airways and an incredible risk for Delta Airlines and for all of its customers.

It is a risk for the people of Atlanta, a risk for Hartsfeld-Jackson Airport, the largest commercial airport in the world. It is a risk for the State of Georgia and thousands of American citizens.

At this time, Madam Speaker, I want to yield to my colleague and friend from the State of Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Speaker, I thank very much my colleague Mr. LEWIS.

This is indeed an extraordinary moment in the history of this country and history of American business. Let us see if we cannot set the stage properly so we understand exactly what is going on.

As my colleague Mr. LEWIS has stated and given history of Delta Airlines' brilliant and hard fought effort to come out of bankruptcy, this is a great American story. It is perhaps one of the greatest business recovery stories in American history.

Delta Airlines was at the bottom, but that company came together. It made the sacrifices. Its pilots' union gave and gave. Its employees gave back raises. They combined their efforts. That company, under brilliant management and leadership, brought itself together.

We owe it to Delta to have their bankruptcy plan now go into effect, and they have a plan to come out of bankruptcy, which they will have and they will come out of bankruptcy within the next 6 months. Do we not owe it to Delta to give them that opportunity to make it work?

Meanwhile, lurching on the sidelines, almost like a vulture, is U.S. Airways. Let me take a moment to describe U.S. Airways at this point. Here is a company that is just coming out of bankruptcy itself, a company that has just gone through a merger, that is now problematic, a company that has a merger in which it is now dealing with two sets of pilots' unions, two sets of flight attendants' unions, two reservation systems and two scheduling systems. How in the world can we, in effect, for a creditor who has an indebtedness with Delta feel that that investment can best be met by investing in a company, an airline company that is beset with a ton of labor problems?

I want to deal with the other issue. Not only is it bad for the creditors, it is bad in terms of our own antitrust practices. In a previous case in which there was a United Airlines merger, the Justice Department's antitrust division ruled that that could not merge, and they did not nearly have the overlapping that this does.

So now we have a case here that with Delta in bankruptcy, even if this merger does proceed to a point, then it goes into bankruptcy, then the antitrust division of the Justice Department must rule.

That is why it is important for us in Congress to make this bold statement and urge the Justice Department and urge that we have hearings and do everything we can to stop this merger from going through on the grounds that it is anti-competitiveness, it is anti-consumer and it is anti-American for this important reason.

Another thing about U.S. Airways, they buy their airplanes from foreign governments, whereas Delta buys theirs from American governments.

Mr. LEWIS of Georgia. Mr. SCOTT should know we have two more BISHOPS waiting to speak. We have BISHOP of Georgia and BISHOP of Utah, and they both live in cities that are served by Delta. BISHOP of Georgia from Albany, Georgia, and BISHOP of Utah in Salt Lake City.

Madam Speaker, I now yield to Mr. BISHOP, my colleague from Georgia.

Mr. BISHOP of Georgia. Madam Speaker, I thank my colleague for yielding.

I rise tonight to discuss Delta Airline's tremendous progress since it entered bankruptcy in September 2005 toward its long-planned goal toward emerging in the first part of next year as a financially strong, stand-alone, independent airline.

This is a very positive story that has involved difficult decisions by Delta's management, sacrifices from its employees and strong support from its creditors, from the home State of Georgia and other communities it serves.

This is also an important story to tell tonight because U.S. Airways' unsolicited merger proposal would jeopardize the progress and saddle Delta with a huge debt that would put it at a competitive disadvantage.

On November 15, when U.S. Airways went public with this unsolicited merger proposal, Delta's CEO Gerald Grinstein wrote to Delta's 45,000 employees and said, Delta people have participated in the hard work and tough choices driving our company's already remarkable restructuring progress. I know you care deeply about what this means for our airline.

Less than a week later, Mr. Grinstein wrote again to Delta's employees to share how the outpouring of support for Delta's future as a profitable, strong, stand-alone airline and for you, the people who have been fighting hard to reach that goal, has been overwhelming.

So what is the story behind this remarkable restructuring progress since Delta entered bankruptcy in September 2005? In short, Delta has reduced costs, increased revenue, improved customer service, launched new domestic and international air services and achieved tangible progress on other major fronts.

As Business Week recently put it, Delta's senior management has worked around-the-clock renegotiating thousands of contracts, bucking up demoralized employees, imploring bankers to provide financing and wrangling with creditors to keep them from picking all the meat off Delta's bones.

To give just a few examples of Delta's tremendous progress over the last year, Delta has overhauled its vast domestic and international network, shifting as much as 20 percent of its domestic capacity and its largest aircraft to international service, all while expanding to all 50 States and serving 70 new international cities.

□ 2315

Delta recently announced the recall in the coming months of hundreds of furloughed employees, pilots, flight attendants, mechanics, and others. Most recently, Delta announced that it will recall another 200 pilots beyond the 130 pilots already recalled this year. Similarly, Delta recently brought back 1,250 flight attendants and 900 mechanics and maintenance workers. This brings

to nearly 2,500 the number of employees recalled in just the recent months.

This week, in a move critical to its ability to emerge from bankruptcy, Delta agreed with the Pension Benefit Guaranty Corporation to terminate Delta's pension plan for its pilots. Retired Delta pilots will receive more than \$800 million in allowed claims. A group representing most of Delta's retired pilots agreed not to fight this agreement. Further, and perhaps of greatest significance, at the time of this announcement Delta also reconfirmed that it will preserve its non-pilot retirement plan for 90,000 active and retired ground employees and flight attendants.

Based on this tremendous progress, Delta plans to file a plan of reorganization with the bankruptcy court in the coming weeks, and expects to emerge as a strong, competitive, stand-alone airline during the first part of next year. Such a result will be good for competition, good for the flying public in Georgia and throughout the U.S., and good for Delta employees, for their customers, and for their creditors.

In contrast, Mr. Speaker, US Airways' proposal would be bad for competition because of the monopoly it would create, bad for the flying public in Georgia and throughout the U.S. because of its potential rate increases, and terrible for Delta's employees, customers, and creditors because of the jobs that would be lost.

In short, US Airways' proposal would jeopardize all that Delta, with strong support from its employees, creditors, and local communities and others, has worked towards for more than a year now. We sincerely hope that it will be soundly rejected.

Mr. SCOTT of Georgia. If the gentleman would yield for a moment, you hit on a very good point. But not only in Georgia is this significant, but this is a national issue. And we have our distinguished gentleman, Mr. BISHOP from Utah, who will tell how this impacts the Nation as a whole.

Mr. BISHOP of Utah. I appreciate yielding from the three distinguished gentlemen from Georgia, including my namesake who has preceded me here as well as on the voting list every time we look up there on the board.

Indeed, Delta has an impact in the State of Utah as well. Delta and its feeder services have about 7,000 employees; they fly 350 flights out of Salt Lake City every day; they have added 30 nonstop flights since their recovery process is going through. It is significant not just to the consumers of Utah but the entire Intermountain West and indeed the West, as we now have a situation of competition that exists.

US Air had a hub in Las Vegas. It merged with America West with a hub in Phoenix. Delta has a hub in Salt Lake. That has a competitive overlap which gives the consumers of the West a choice in where their air travel goes and the kinds of air fare in a free market environment.

The southeast of this Nation has basically the same situation, with a hub already for US Air in Charlotte as well as Delta in Atlanta. Those are very close hubs geographically. It makes no sense, especially in the West, of a company, even though they have said they would, to maintain a hub in Las Vegas and Phoenix and Salt Lake at the same time. Business sense would say something would have to close. And if that happens, the net result is that there are fewer air travel opportunities and less competition for consumers in our area of the Nation. In fact, and the concern I also have is the merger between America West and US Air I am told resulted in four times as many fare increases in cities as it did in fare decreases. Now, I am also told that if this merger would go through, there would be near monopolistic competition, as some of you have already mentioned. Twenty-three States would be in a near monopoly situation; 71 cities, including those in the East, would have almost monopolistic situations, with 57 percent of the slots and 44 percent of the gates controlled by simply one company. That does not lead to better economic situations and better choices for our customers and our citizens.

If this was a willing merger, I would not be so upset, but it is not. Delta does not wish to enter into this arrangement. They wish to stay a stand-alone strong company, and I would suggest that is significantly and fundamentally a different situation than US Air was in when they merged with America West. It is a company that is in economic recovery and very close to being in full economic recovery. And as the gentleman has already said, this is a company where the morale of their employees is on the upswing.

As the gentleman from Georgia said, the employees are now coming back to this company as they have now turned the economic corner and can enter the market a strong, viable, stand-alone company, giving extra service, giving extra opportunity, giving consumer choice, which is for the betterment of all our constituents. Were this merger to go through, the service would be less in the Intermountain West, the choices would be less in the Intermountain West, and there would be significant harm done to my constituents.

So I agree with my good friends over here that this is not in the best interest of any of our areas; it is not in the best interests of the flying public of America. And I also oppose this forced hostile takeover.

Mr. LEWIS of Georgia. Let me thank our colleague from Utah for participating in this Special Order. As we said earlier, Madam Speaker, this is a bad deal, this is not a good deal, and that is why we are speaking out tonight and we will continue to speak out in opposition against this proposed takeover bid until this proposal is off the table. As it has been said, we want to secure Delta's future as a strong stand-alone company. That is in the best interests

of the American people, not just to people in the Southeast, but to people in the West and all over this country.

Madam Speaker, I rise tonight to tell you about a bad deal. You may have read about the recent unwanted, unsolicited, and unnecessary bid from US Airways to take over a strong, proud, Georgia company, named Delta Airlines.

But, Americans have learned the hard way that bigger is not always better. And in this case, a Delta takeover by US Airways will have a devastating impact on the people of Atlanta, on the east coast of this country, and it will rob American travelers of the economic advantages that competition creates.

Mr. Speaker, today I represent thousands of Delta employees all over Georgia, hundreds of Delta pilots, and the executive leadership of that organization. Delta employees and its executives are working through some difficult problems right now as they reshape the company, but when it comes to this merger, they speak with one voice.

Management and employees agree on this. None of them are for this deal. I think that speaks volumes, Mr. Speaker. It demonstrates how deeply they all believe this takeover will impair the quality of airline transportation in the United States.

You may have heard that Delta had run into some problems and was going through bankruptcy proceedings. But it is about to emerge from this bankruptcy a stronger, better airline, with a renewed commitment to serve America's cities. Delta had problems, but it was not a failing company.

It has used the hardship of bankruptcy to make tremendous progress. In spite of its challenges, it has created 70 new international destinations. It offers service to all 50 states. Employee morale has improved. Pensions for 90 thousand employees and retirees were saved. And 2,500 pilots, machinists and other employees have been called back to work. And it is because of the sacrifice of Delta employees and executives to make good on its commitments to its creditors that it became a prime target for this hostile merger. It's because Delta was able to win the uphill battle of bankruptcy and is poised to emerge transformed, that US Airways wants to take it over against its will.

This merger puts the very successful efforts of an independent corporation in jeopardy, . . . and it would leave this important transportation resource in the hands of an institution that cannot seem to get its own house in order.

This is not a case of the survival of the fittest. US Airways is in trouble. It has already gone through two bankruptcies, and cannot seem to bring its merger with America West to a close.

In 2004, US Airways was on death's door—it had no choice but to merge with America West. It would have had to liquidate all its assets if it had not merged with another company.

But two years later, the integration of US Airways and America West is still not complete. The majority of its labor groups are still working under separate contracts. It still has two I-T systems. US Airways hasn't even repainted all its aircraft!

Madam Speaker, even though US Airways can't seem to manage its own merger, it is hoping and praying that it can take advantage

of the hard work and tough sacrifices the good people of Delta have already made so that it can survive. This is not a win-win situation. It is a win for US Airways and an incredible risk for Delta Airlines.

It is a risk for the people of Atlanta, a risk for Hartsfield-Jackson Airport, the largest commercial airport in the world. It is a risk for the State of Georgia and thousands of American citizens.

I think freedom in the marketplace is important, but when a bad business deal like this one threatens the economies of so many communities and the lives of so many citizens, I think Members of Congress must take notice. I think we must step in and take a long hard look at the economic impact of this kind of hostile takeover.

Why must the American people pay, why must the employees pay, why must travelers pay when American businesses can't get their house in order? This takeover attempt will hurt people in my district, it will damage the economy of the State of Georgia, and it will isolate communities in the Southeast that have come to depend upon air travel.

I think the Members who stand with us tonight would encourage the Justice Department and the House Judiciary Committee to review this takeover with a fine-toothed comb so we can make sure it serves the best interests of the American people.

Madam Speaker, US Airways keeps using the word "synergy" to describe this takeover. They want to make us feel comfortable about this deal. But, synergy is just a codeword for cutting flights and eliminating competition. And that means higher prices for American consumers.

"Synergy" means two companies working together to accomplish what one couldn't, but that's not what will happen in this merger. Delta could emerge as an independent company from this bankruptcy in a few months.

That's something US Airways could not do when it was in trouble. An independent Delta will continue to serve hundreds of markets that US Airways will cut off or cut back. This is not synergy; it is exploitation. It is suffocation.

US Airways wants to take over the strength of a new Delta Airlines for its own benefit and raise fares so it can service the huge new debt it has to take on to pay for this merger. Meanwhile American travelers will have to pay more money for less service.

If this merger is not stopped, travelers in many American cities will only have one air carrier to choose from. If they want to fly, they will have to accept monopoly prices or stay home. And if the past is any indication, the "New Delta," as US Airways likes to call the results of this merger, will take full advantage of their monopoly.

Using the name, "New Delta," tells us something about which airline has real strength and a better reputation. Madam Speaker, it would seem that US Airways has more confidence in Delta, than they do in themselves.

If the proposed merger goes as planned, there may be some reduction in fares between some big cities, but service to hundreds of small cities throughout the northeast region of this country—cities that are just beginning to build a new economic life, cities like Asheville, Augusta, Birmingham, and Jacksonville. That's what US Airways did when it merged with America West. There's no reason to think they won't do it again.

Some analysts say that a merger with Delta would be good for the airline industry. But, US Airways will weigh Delta down with \$23 billion in debt. \$23 Billion Dollars!

Delta went into bankruptcy because it had \$21 billion in debt. This plan will probably send the two airlines right back into bankruptcy!

The whole purpose of Delta's bankruptcy negotiations was to reconfigure its debt load. It was a tough struggle, but Delta did it. And now US Airways wants to pile up staggering amounts of new debt in hopes that Delta can bear some of the load, hoping that a more efficient organization can solve its problems. That's like asking an expert swimmer to save one that's drowning. It might work, but there's just as much chance that they will both die.

There is no economic model, except maybe voodoo economics, that resolves debt by adding debt. This extra burden would drain the competitiveness of the merged airline and threaten the survival of both companies.

This is not a promising plan for Delta's creditors who are taking a risk that a company which cannot complete its own merger, could somehow juggle a brand new merger at the same time. Practically and economically, it doesn't make sense. This is a win for US Airways and much too risky for Delta.

US Airways executives have said they will find so-called "synergies" if the merger occurs when Delta is still in bankruptcy. Don't be fooled—that just means that the Delta executives and employees who have already sacrificed a lot, will be asked to sacrifice even more. And it means that all the agreements they worked so hard to gain are up for grabs.

It means US Airways wants to make new agreements that benefit its stock price without regard to the harm it would cause Delta's employees, Delta's passengers, or Delta's creditors. That's right—Delta's creditors!

Gaining "synergies" while Delta is still in bankruptcy means rejecting contracts and leases Delta has already negotiated. That is a win for US Airways and a risk for Delta's creditors.

There are some who claim that airline mergers are unavoidable and good for the industry. In some instances, like the US Airways and America West case, end-to-end mergers of that sort can be good and competitive if they are executed well. Both of those airlines had very little overlapping service.

But Delta is in a very different position than US Airways was in when it received the America West offer. Delta is returning to profitability. It will emerge from bankruptcy in a few months. Delta's network is strong.

The morale of Delta's people is good. Delta's revenue picture is impressive. In no way does Delta need US Airways to survive. But US Airways needs Delta to survive. That's why this is a hostile takeover. It knows Delta would have no good reason to participate in this deal, except by force.

Madam Speaker, I am here today to raise the question: Will this merger really serve the best interests of the American people?

Will it benefit travelers and business people in small communities to fly at the will of a monopoly? Will the service cuts and hub closures benefit business and individual citizens in those cities? Most small communities that lose service will never again see a low-cost carrier come to town to save the day.

Just look at Georgia—there are no low cost carriers today in any cities other than Atlanta and Savannah.

Airlines won't take on those routes for the very reason that they haven't up to now. They don't believe in that kind of service. There are not enough passengers for them.

Delta is proposing to maintain those routes, and US Airways now has to compete with Delta to win in those markets. That competition helps keep fares down and provides choices a monopoly carrier will not offer.

And Madam Speaker, what about justice for Delta's employees? Delta's employees have sacrificed a lot to turn the company around.

They have been through lay offs, pay cuts, and uncertainty about the company's future and even their retirement benefits. They deserve to reap what they've sown. They have hung in there. They didn't give up in hard times. And this is the kind of nation that rewards hard work and sacrifice.

Delta employees should reap the benefits of their sacrifice. They don't deserve the risks of a US Airways takeover. They have been through the worry of losing their jobs and benefits. They have fought hard to win back their security. They don't deserve to lose the seniority they've worked so long to achieve.

And that's why—they don't want US Airways! They don't want to go back. They want to move forward with a free and independent Delta airlines.

Madam Speaker, I submit to you that the U.S. Government must look at this takeover bid and measure it against our nation's antitrust laws. We must begin a rigorous antitrust investigation by the Department of Justice. House and Senate Committees must also investigate this merger proposal thoroughly.

It is our duty, it is our obligation, it is our responsibility as Members of Congress to represent the best interests of our constituents and our nation, and to hold the feet of the responsible agencies of the Federal Government to the fire to make sure that their review is thorough, careful, and fair.

I am convinced that, if they look at this deal, they will find that it is more anti-competitive than the 2000 United-US Airways merger, which the Justice Department opposed. I am convinced that this deal is more anti-competitive than almost any other airline combination possible.

Over the years, Delta has been a significant economic engine, fueling the region's growth. It has helped to make Atlanta one of the world's most important international transportation centers. The potential loss of Atlanta as Delta's home would be a tragedy—a real blow to Atlanta, to the State of Georgia, and the people of the United States.

Madam Speaker, this is a bad deal. That is why we are speaking here tonight, and we will continue to speak in opposition to this takeover bid until it is off the table. We want to secure Delta's future as a strong, stand-alone company in the heart of Atlanta.

Madam Speaker, I yield to Mr. SCOTT.

Mr. SCOTT of Georgia. Madam Speaker, I think it is very important for us to make sure that we sum up these major points that we have made here this evening, and that is this: one, this planned hostile takeover, which hopefully we will arrest and stop in the next few days, is anti-consumer, it is anti-competitive; it is not in the best interests of the American traveling public, it is not in the best interests of

the creditors to Delta, and it certainly violates, as the gentleman from Utah so eloquently stated point by point, it clearly violates the antitrust statutes of the Justice Department of this country.

So it is within the spirit of what is good and what is right about America, and let me say this to my colleagues and to you, Madam Speaker, that this country is grounded on justice. The American people are expecting justice. This is not just a case for Delta Airlines; it is not just a case for the airline industry. This is a case for the American people, and they are looking at this Congress to provide leadership, keep the feet to the fire, and make sure that this hostile takeover does not take place in the form of any kind of merger, and that Delta Airlines is allowed to stand alone and earn the right that they deserve to come back full flushed and be the outstanding airline that we know that they are.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF H.R. 6411, TAX RELIEF AND HEALTH CARE ACT OF 2006

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-722) on the resolution (H. Res. 1099) relating to consideration of the bill (H.R. 6411) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6406, TRADE LAWS MODIFICATION

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-723) on the resolution (H. Res. 1100) providing for consideration of the bill (H.R. 6406) to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-724) on the resolution (H. Res. 1101) waiving points of order against the conference report to accompany the bill (H.R. 5682) to exempt from certain requirements of the

Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, which was referred to the House Calendar and ordered to be printed.

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

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-725) on the resolution (H. Res. 1102) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today and December 8 on account of personal business.

Mr. GERLACH (at the request of Mr. BOEHNER) for today after 6:00 p.m. on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. COSTELLO, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

(The following Members (at the request of Mr. REGULA) to revise and extend their remarks and include extraneous material:)

Mr. HEFLEY, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, today.

Mr. REGULA, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, December 8.

Mr. MCCREERY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2322. An act to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Energy and Commerce.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association.

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Borlaug.

ADJOURNMENT

Mr. BISHOP of Utah. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 8, 2006, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10459. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 05-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10460. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-12, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10461. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Case Number 05-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10462. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Case Number 05-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10463. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of a violation of the Antideficiency Act by the National Aeronautics and Space Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10464. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting Notification of an initial performance decision to convert functions currently performed by Department of the Navy personnel to contract performance for Satellite

Operations in Oxnard, CA; Finegayan, GU; Prospect Harbor, ME; and Falcon AFB, CO; to the Committee on Armed Services.

10465. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of September 30, 2006, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

10466. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Charles L. Munns, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10467. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Walter B. Massenburg, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10468. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General James L. Jones, Jr., United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

10469. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Jan C. Huly, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10470. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10471. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John R. Vines, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10472. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert T. Clark, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10473. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Larry J. Dodgen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10474. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Edward Hanlon, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10475. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Justin D. McCarthy, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10476. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10477. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea, Luxembourg and other countries yet to be determined pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10478. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2005, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

10479. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2006, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

10480. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-sixth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

10481. A letter from the Chairperson, National Council on Disability, transmitting a copy of the NCD's "National Disability Policy: A Progress Report," as required by Section 401(b)(1) of the Rehabilitation Act of 1973, as amended, covering the period from December 2004 through December 2005, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

10482. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, "Creating Livable Communities," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

10483. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report, covering the fiscal year from October 1, 2004, through September 30, 2005, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

10484. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled "Performance Improvement 2006: Evaluation Activities of the U.S. Department of Health and Human Services," as required by Section 241(b) of the Public Health Service (PHS) Act; to the Committee on Energy and Commerce.

10485. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report entitled, "Assessment of Demand Response and Advanced Metering," as required by Section 1252 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

10486. A letter from the Executive Director and Chief Operating Officer, American Battle Monuments Commission, transmitting the Commission's annual report in accordance with the FAIR Act of 1998, 31 U.S.C. 501; to the Committee on Government Reform.

10487. A letter from the Assistant to the President for Presidential Personnel, Office of Presidential Personnel, transmitting Notification that the Office is working to make an appointment to the Office of the Architect of the Capitol, pursuant to Pub. L. 101-163; to the Committee on House Administration.

10488. A letter from the Inspector General, U.S. House of Representatives, transmitting a copy of the Audit Report — Improvements Are Needed in the House Transit Benefit Program (Report No. 06-CCS-07); to the Committee on House Administration.

10489. A letter from the Staff Director, Commission on Civil Rights, transmitting the corrected charters for the Connecticut, Georgia, North Carolina and Utah advisory committees to the Commission on Civil Rights; to the Committee on the Judiciary.

10490. A letter from the Secretary, Department of Health and Human Service, transmitting the Department's determination on a petition on behalf of a class of workers from the Oak Ridge Institute of Nuclear Studies Cancer Research Hospital in Oak Ridge, Tennessee be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

10491. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the postconviction DNA testing remedy for federal cases, pursuant to 18 U.S.C. 3600; to the Committee on the Judiciary.

10492. A letter from the Secretary, Judicial Conference of the United States, transmitting a Joint Proposal from the United States District and Bankruptcy Courts for the District of Columbia to consolidate their clerks' offices, pursuant to 28 U.S.C. 156(d); to the Committee on the Judiciary.

10493. A letter from the Director, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina during the periods of August 29, 2005 through October 1, 2005, in the State of Arizona, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

10494. A letter from the Secretary, Department of Transportation, transmitting the Department's report on obligations and unobligated balances of funds provided for Federal-aid highways and highway safety construction programs for Fiscal Year 2004, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

10495. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's Report entitled, "Report to Congress on Implementing the BEACH Act of 2000," required by Section 7 of the Beaches Environmental Assessment and Coastal Health Act of 2000; to the Committee on Transportation and Infrastructure.

10496. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Report on Trade-Related Barriers to the Export of Greenhouse Gas Intensity Reducing Technologies, pursuant to Section 1611 of the Energy Policy Act of 2005; to the Committee on Ways and Means.

10497. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Report of the Labor Advisory Committee on the United States — Colombia Trade Promotion Agreement, pursuant to Section 2104(e) of the Trade Act of 2002 and Section 135(e) of the Trade Act of 1974; to the Committee on Ways and Means.

10498. A letter from the Commissioner, Social Security Administration, transmitting the Commission's report on Social Security and Supplemental Security Income payment increases; to the Committee on Ways and Means.

10499. A letter from the Commissioner, Social Security Administration, transmitting a consolidated report of the Administration's processing of continuing disability reviews for FY 2005; to the Committee on Ways and Means.

10500. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at San Francisco International Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

10501. A letter from the Comptroller, Department of Defense, transmitting Notification of funding transfers made during FY 2006 under the authority of Section 8005 of the Department of Defense Appropriations Act, 2006, and Section 1001 of the National Defense Authorization Act for Fiscal Year 2006; jointly to the Committees on Armed Services and Appropriations.

10502. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting the Department's Fiscal Year 2005 Annual Report to Congress for the Office For Civil Rights, in accordance with the requirements of the Department of Education Organization Act; jointly to the Committees on Education and the Workforce and the Judiciary.

10503. A letter from the Executive Director, Citizens' Health Care Working Group, transmitting the Group's annual report submitted in compliance with a requirement of Section 1014(m) of the Medicare Modernization Act; jointly to the Committees on Energy and Commerce and Ways and Means.

10504. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Collaborative Demonstration-Based Review of Physician Practice Expense Geographic Adjustment Data," pursuant to Public Law 108-173, section 605; jointly to the Committees on Energy and Commerce and Ways and Means.

10505. A letter from the Secretary, Department of Health and Human Services, transmitting Notification concerning the report mandated by Section 609 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; jointly to the Committees on Ways and Means and Energy and Commerce.

10506. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's report entitled, "Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2004," pursuant to Section 912 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Ways and Means and Energy and Commerce.

10507. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the October 2006 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375; jointly to the Committees on Armed Services, Government Reform, and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. HYDE: Committee of Conference. Conference report on H.R. 5682. A bill to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India (Rept. 109-721). Ordered to printed.

Mr. GINGREY: Committee on Rules. House Resolution 1099. Resolution relating to consideration of the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending (Rept. 109-722). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 1100. Resolution providing for consideration of the bill (H.R. 6406) to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes (Rept. 109-723). Referred to the House Calendar.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 1101. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India (Rept. 109-724). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 1102. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules (Rept. 109-725). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. THOMAS:

H.R. 6406. A bill to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. MCHUGH, and Mr. DAVIS of Illinois):

H.R. 6407. A bill to reform the postal laws of the United States; to the Committee on Government Reform.

By Mr. THOMAS:

H.R. 6408. A bill to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Resources, Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 6409. A bill to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. ACKERMAN:

H.R. 6410. A bill to amend the Communications Act of 1934 to prohibit a provider of telephone exchange service, exchange access, or commercial mobile service from imposing a charge for number portability (other than a one-time, separate charge to port a number), and for other purposes; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK of Pennsylvania:

H.R. 6411. A bill to amend title 18, United States Code, to provide penalties with respect to employers' conduct relating to persons engaging in sexual conduct with children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 6412. A bill to amend title 18, United States Code, to prohibit the use of interstate commerce for suicide promotion; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 6413. A bill to establish the Sacramento River National Recreation Area consisting of certain public lands administered by the Bureau of Land Management in Tehama and Shasta Counties, California, and for other purposes; to the Committee on Resources.

By Mr. HOLT:

H.R. 6414. A bill to amend the Help America Vote Act of 2002 to establish standards for the open and accurate tabulation of votes and aggregation of vote counts in elections for Federal office, and for other purposes; to the Committee on House Administration.

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

H.R. 6415. A bill to limit immunity from criminal jurisdiction for accredited representatives of foreign governments to the United States and accredited representatives of foreign governments to the United Nations with respect to acts of disbursing radioactive or other substances posing a lasting, clear and present danger to public health, and for other purposes; to the Committee on International Relations.

By Mr. McHENRY:

H.R. 6416. A bill to amend the Sarbanes-Oxley Act of 2002 to exempt certain financial institutions from the internal control assessment requirement under such Act; to the Committee on Financial Services.

By Mr. MEEHAN:

H.R. 6417. A bill to repeal tax subsidies enacted by the Energy Policy Act of 2005 for oil and gas and certain other oil and gas subsidies in the Internal Revenue Code of 1986, and to establish a greenhouse gas intensity reduction investment tax credit; to the Committee on Ways and Means.

By Mr. SHADEGG (for himself, Mr. PASTOR, Mr. RENZI, and Mr. FLAKE):

H.R. 6418. A bill to create a new non-immigrant visa category for registered nurses, and for other purposes; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself, Mr. SPRATT, Mr. BERMAN, Mr. MEEHAN, and Mr. SMITH of Washington):

H.R. 6419. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of California:

H.J. Res. 102. A joint resolution making further continuing appropriations for the fis-

cal year 2007, and for other purposes; to the Committee on Appropriations.

By Mr. ISRAEL (for himself, Mrs. TAUSCHER, and Mr. LARSEN of Washington):

H. Con. Res. 501. Concurrent resolution expressing the sense of Congress that the Government of the United States should submit the Government of Iraq a draft bilateral status-of-forces agreement by not later than June 1, 2007; to the Committee on International Relations.

By Ms. LEE (for herself and Mr. LEWIS of Georgia):

H. Res. 1103. A resolution expressing the sense of the House of Representatives regarding modern-day slavery; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

448. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 162 memorializing the Congress of the United States to increase funding to fully implement the Vaccine for Children Program; to the Committee on Energy and Commerce.

449. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 31 urging the Administrator of the Environmental Protection Agency to adopt federal regulations limiting emissions from marine vessels, locomotives, and aircraft in order to achieve healthful air quality in California and other areas with air quality problems; to the Committee on Energy and Commerce.

450. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 835 urging the President of the United States and the Congress of the United States to enact S. 1110 or H.R. 2567 of the 109th Congress relative to the addition of decahlorobenzene to antifreeze containing ethylene glycol; to the Committee on Energy and Commerce.

451. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 876 urging the Government of Turkey to cease its discrimination of the Ecumenical Patriarchate, to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on International Relations.

452. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution on the Fiftieth Anniversary of the 1956 Hungarian Revolution for Freedom and Democracy; to the Committee on International Relations.

453. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 287 memorializing the Congress of the United States to enact legislation to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth for display in our Nation's Capitol; to the Committee on House Administration.

454. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 3 memorializing the Congress of the United States to place a statue of Ronald Wilson Reagan alongside the statue of Father Junipero Serra in the Congressional collection representing the State of California; to the Committee on House Administration.

455. Also, a memorial of the Legislature of the State of California, relative to Senate

Joint Resolution No. 13 urging the President of the United States and the Congress of the United States to amend the Federal Railroad Safety Act; to the Committee on House Administration.

456. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 22 memorializing the Congress of the United States and the President of the United States to enact the Microbicide Development Act; to the Committee on House Administration.

457. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 676 urging the Pennsylvania Congressional Delegation to support legislation calling for Federal approval of the extension of the Lewis and Clark National Historic Trail; to the Committee on Resources.

458. Also, a memorial of the Legislature of the Commonwealth of Puerto Rico, relative to Resolution No. 23 expressing the deep rejection of the Municipality of Hormigueros to capital punishment; to the Committee on the Judiciary.

459. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 311 urging the Federal Aviation Administration to conduct at least three public hearings throughout Delaware County to properly inform residents and government officials of the proposed air traffic diversion plan; to the Committee on Transportation and Infrastructure.

460. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 836 recognizing the Federal Aviation Administration's plan to divert air traffic from the Philadelphia International Airport over Delaware County and calling on the Federal Aviation Administration to conduct public hearings to obtain additional input on the issue and to afford residents and local government officials an opportunity to comment on the proposed plan; to the Committee on Transportation and Infrastructure.

461. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Commemorative Resolution No. 15-15 honoring Marine Corporal Guy Louis Gabaldon for his valiant and heroic deeds in Saipan during World War II and expressing profound grief and sadness at the passing of an individual greatly loved and admired by the people of the Commonwealth of the Northern Mariana Islands; to the Committee on Veterans' Affairs.

462. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 18 memorializing the Congress of the United States and the President of the United States to approve construction of a state veterans' cemetery at Fort Ord in Monterey County, California; to the Committee on Veterans' Affairs.

463. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 307 memorializing the Congress of the United States to enact legislation to extend the Production Tax Credit for Wind Power Energy Development; to the Committee on Ways and Means.

464. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 23 urging the House of Representatives of the United States to support and pass the Veterans' Rights to Know Act to bring relief to veterans involved in Project 112 and Project SHAD and other instances of chemical or biological testing; jointly to the Committees on Armed Services and Rules.

ADDITIONAL SPONSORS

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

H.R. 175: Ms. BORDALLO.
 H.R. 267: Mr. SESSIONS.
 H.R. 759: Mr. CONYERS.
 H.R. 839: Mr. ROTHMAN.
 H.R. 1356: Mr. HOLDEN.
 H.R. 1376: Mr. LEWIS of Georgia and Ms. BORDALLO.
 H.R. 1405: Mr. BOREN.
 H.R. 1671: Mrs. DRAKE and Mr. RYUN of Kansas.
 H.R. 1704: Mr. LIPINSKI.
 H.R. 2719: Mr. FATTAH.
 H.R. 3885: Mr. CASTLE.
 H.R. 4366: Mr. WELLER.
 H.R. 4716: Ms. BALDWIN.
 H.R. 4993: Mr. HIGGINS.
 H.R. 5022: Mr. ENGEL.
 H.R. 5131: Mr. FATTAH.
 H.R. 5372: Mr. MEEHAN.
 H.R. 5458: Mr. REYES.
 H.R. 5558: Mr. THOMPSON of Mississippi.
 H.R. 5834: Mrs. MALONEY.
 H.R. 5918: Mr. MORAN of Virginia.
 H.R. 6046: Mr. RUSH, Mr. MCGOVERN, Mr. AL GREEN of Texas, and Mr. PAYNE.
 H.R. 6117: Mr. TIBERI.
 H.R. 6133: Ms. FOXX.
 H.R. 6242: Mr. WICKER.
 H.R. 6269: Mr. LOBIONDO, Mr. LATOURETTE, Mr. PLATTS, and Mr. JOHNSON of Illinois.
 H.R. 6328: Mr. PITTS, Mr. ENGEL, Mr. SOUDER, Ms. LEE, Mr. NADLER, Mr. GEORGE MILLER of California, and Mrs. MALONEY.
 H.R. 6334: Mr. REHBERG, Mrs. MALONEY, Ms. BORDALLO, Mr. ISRAEL, and Mrs. TAUSCHER.
 H.R. 6356: Mr. JOHNSON of Illinois.
 H.R. 6384: Ms. ZOE LOFGREN of California, Mr. MOLLOHAN, Mr. PICKERING, Mr. WALDEN of Oregon, and Mr. FILNER.
 H.J. Res. 28: Mr. EVANS.
 H.J. Res. 89: Mr. SKELTON.
 H. Con. Res. 487: Mr. KINGSTON, Mrs. CUBIN, and Mr. WAMP.
 H. Con. Res. 488: Mr. STUPAK, Mr. KILDEE, Mr. CONYERS, Mr. DINGELL, Mr.

BUTTERFIELD, Ms. CORRINE BROWN of Florida, Mr. LEVIN, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. AL GREEN of Texas, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. MEEK of Florida, Ms. BERKLEY, Mr. OWENS, Mr. KUCINICH, Mr. PAYNE, Mr. CLEAVER, Mrs. MILLER of Michigan, Mr. RUSH, Mr. SCOTT of Georgia, Mr. TOWNS, Mr. REYES, Mr. MCGOVERN, Mr. RANGEL, Mr. MCCOTTER, Ms. WATERS, Ms. LEE, Mr. ROTHMAN, Mr. SHERMAN, Ms. BALDWIN, Ms. BORDALLO, Mr. BOSWELL, Mr. SCOTT of Virginia, Mr. OBEY, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Ms. WASSERMAN Schultz, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. WYNN, Ms. CARSON, Mr. CAMP of Michigan, and Mr. WATT.

H. Res. 222: Mr. MCCAUL of Texas and Ms. BORDALLO.

H. Res. 518: Mr. GOODLATTE.
 H. Res. 733: Mr. MCCAUL of Texas, Mr. WEINER, Mr. DELAHUNT, Ms. DELAURO, Mrs. TAUSCHER, Ms. WATSON, Mrs. JONES of Ohio, Mr. ORTIZ, Mr. NADLER, Mr. BARROW, Mr. BRADY of Pennsylvania, and Mr. DOYLE.

H. Res. 1005: Mrs. CUBIN.
 H. Res. 1020: Mr. ANDREWS.
 H. Res. 1021: Mr. ANDREWS.
 H. Res. 1022: Mr. ANDREWS.
 H. Res. 1023: Mr. ANDREWS.
 H. Res. 1024: Mr. ANDREWS.
 H. Res. 1031: Mr. WATT.
 H. Res. 1071: Mr. STARK.
 H. Res. 1080: Mr. KING of New York.
 H. Res. 1081: Mr. POE, Mr. LEWIS of Georgia, Ms. BALDWIN, and Mr. COSTA.
 H. Res. 1086: Mr. MCCOTTER, Ms. LINDA T. SANCHEZ of California, Mr. MEEKS of New York, Ms. BERKLEY, Ms. NORTON, Mr. BLUMENAUER, and Mr. HOLT.
 H. Res. 1091: Mr. HONDA and Mr. HOLT.
 H. Res. 1095: Mr. CHABOT, Mr. BAIRD, Mr. ACKERMAN, Mr. BACHUS, Mr. WAMP, Mr. KIRK, and Mr. LANTOS.
 H. Res. 1097: Mr. LANTOS, Ms. KAPTUR, Mr. ROTHMAN, Mr. DAVIS of Illinois, Ms. MCCOL-

LUM of Minnesota, Mr. PAYNE, and Ms. DELAURA.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

155. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 531 requesting that the United States Senate pass and the United States House of Representatives introduce and pass S. 1948 — the Cameron Gulbransen Kids and Cara Safety Act of 2005; to the Committee on Energy and Commerce.

156. Also, a petition of the City Council of Chicago, Illinois, relative to a Resolution urging the Congress of the United States and the President of the United States to commit the leadership of the United States Government to effective implementation of the World Summit Outcome declaration; to the Committee on International Relations.

157. Also, a petition of the Town of New Paltz, New York, relative to a Resolution calling for the impeachment of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

158. Also, a petition of the Council of the District of Columbia, relative to Council Resolution 16-677, "Sense of the Council that Federal Homeland Security Funding Must be Targeted on the Highest-Threat Jurisdictions Emergency Resolution of 2006"; to the Committee on Homeland Security.

159. Also, a petition of Mr. Gregory D. Watson, a Citizen of Austin, Texas, relative to a petition urging the United States Congress to reject and oppose those portions of H.R. 5818 which would discontinue the minting of the American penny; jointly to the Committees on Financial Services and the Budget.