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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, DECEMBER 17, 2007 No. 193

House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. BAIRD).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 17, 2007.

I hereby appoint the Honorable BRIAN BAIRD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 31 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARDOZA) at noon.

NOTICE

If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the *Congressional Record* for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

PRAYER

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

Above the cold winds is a clear blue sky. Behind a flurry of activity is the conviction we are entering a holy season.

Lord God, as Congress resumes major responsibilities today, we mourn the passing of a dear colleague, strong witness of perseverance in suffering and advocate for the poor and the homeless, the Honorable JULIA CARSON.

Her sweet manner always shown through her raspy voice and determination. Her smile born out of sincerity and faith encouraged others when there was only a smidgen of hope.

God of all consolation, reward her public service, and be close to all who grieve the loss of her presence.

As all prepare to celebrate the approaching feast of heaven and Earth, we know many will greet her with shouts of triumph and thanksgiving. In Your kingdom, You will invite her to take her place where Rosa Parks has reserved for her a seat.

May she rest in peace. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX 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.

CELEBRATING THE 50TH ANNIVERSARY OF FOOD LION SUPERMARKETS

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

Ms. FOXX. Mr. Speaker, I rise today to honor Food Lion, a North Carolina business success story, for 50 years of doing business the right way.

Food Lion, founded in Salisbury, North Carolina, in 1957, today boasts a chain of 1,300 supermarkets spread throughout the Southeast and mid-Atlantic States.

Food Lion's 73,000 employees serve more than 10 million customers every week and embody the ethic that great service in local communities is a formula for a successful and profitable business.

This company has shown a true commitment to its employees by offering employees a working environment that focuses not just on good wages, but also integrates working conditions and profit-sharing arrangements that are some of the best in the retail business.

And Food Lion's business model doesn't stop at the bottom line or with treating employees right. Food Lion gives back every year to many community organizations and charitable causes, including the Children's Miracle Network, America's Second Harvest Food Banks, Easter Seals, the United Way, the American Red Cross, and local schools.

Food Lion represents the type of company that helps make North Carolina and America great. I applaud their 50 years of service to hundreds of communities and wish them many more years of success.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentlewoman from Indiana (Ms. CARSON), the whole number of the House is 433.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, December 13, 2007:

H.J. Res. 69, making further continuing appropriations for the fiscal year 2008, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 14, 2007.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 14, 2007, at 2:13 p.m.:

That the Senate passed S. 2338.

That the Senate agreed to the amendments of the House to the Text and Title of the bill S. 597.

That the Senate agreed to the Conference Report accompanying the bill H.R. 1585.

That the Senate agreed to without amendment H. Con. Res. 269.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 14, 2007.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 14, 2007, at 6:13 p.m.:

That the Senate passed S. 2488.

That the Senate passed S. 2400.

That the Senate passed with an amendment H.R. 3648.

That the Senate passed with an amendment H.R. 3739.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 2007.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 13, 2007, at 6:55 p.m.:

That the Senate agreed to without amendment H.J. Res. 69.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 14, 2007.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 14, 2007, at 12:10 p.m.:

That the Senate agreed to the House amendments to the Senate amendments to the bill with an amendment; that the Senate agreed to the House amendments to the Senate amendments to the title of the bill H.R. 6.

That the Senate passed without amendment H.R. 2408.

That the Senate passed without amendment H.R. 2671.

That the Senate passed S. 1396.

That the Senate passed S. 1585.

That the Senate passed S. 2339.

That the Senate passed S. 2484.

That the Senate passed S. 1916.

That the Senate passed S. 1858.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

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.

RECOGNIZING THE CONTRIBUTIONS OF THE CHRISTMAS TREE INDUSTRY TO THE UNITED STATES ECONOMY

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and agree to the joint resolution (H.J. Res. 15) recognizing the contributions of the Christmas tree industry to the United States economy.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 15

Whereas Christmas trees have been sold commercially in the United States since the 1850s;

Whereas, by 1900, one in five American families decorated a tree during the Christmas season, while, by 1930, a decorated Christmas tree had become a nearly universal part of the American Christmas celebration;

Whereas 32.8 million households in the United States purchased a live-cut Christmas tree in 2005;

Whereas the placement and decoration of live-cut Christmas trees in town squares across the country have become an American tradition;

Whereas, for generations, American families have traveled hundreds and even thousands of miles to celebrate the Christmas season together around a live-cut Christmas tree;

Whereas 36 million live-cut Christmas trees are produced each year, and 98 percent of these trees are shipped or sold directly from Christmas tree farms;

Whereas Oregon, North Carolina, Michigan, Washington, Wisconsin, Pennsylvania, New York, Minnesota, Virginia, California, and Ohio are the top producers of live-cut Christmas trees, but Christmas trees are grown in all 50 States;

Whereas there are more than 21,000 growers of Christmas trees in the United States, and approximately 100,000 people are employed in the live-cut Christmas tree industry;

Whereas many Christmas tree growers grow trees on a part-time basis to supplement their other farm and non-farm income;

Whereas growing Christmas trees provides wildlife habitat;

Whereas, in 2005, Christmas trees were planted on more than a half million acres of land;

Whereas 73 million new Christmas trees will be planted in 2006, and, on average, over 1,500 Christmas trees can be planted per acre; and

Whereas the retail value of all Christmas trees harvested in 2005 was $1.4 billion: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress recognizes the important contributions of the live-cut Christmas tree industry, Christmas tree growers, and persons employed in the live-cut Christmas tree industry to the United States economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today in support of H.J. Res. 15.

H.J. Res 15, a resolution introduced by Congresswoman VIRGINIA FOXX of North Carolina, recognizes the success and importance of the live-cut Christmas tree industry in the United States.

It is an appropriate time of the year for Congress to consider this resolution, as I think that most of us here today have memories of decorating a Christmas tree during the holiday season. The live-cut Christmas tree industry ensures that this tradition continues every year for families across the Nation.

Likewise, there are private forest landowners all across America for whom Christmas trees are an important source of income. Over 35 million live-cut Christmas trees are produced this year, and they are growing in all 50 States. Christmas tree growers are responsible land stewards who provide wildlife habitat, give us cleaner air, protect watersheds, and improve the environment.

The economic strength and cultural contribution of this industry makes this resolution worthy of congressional support.

I encourage the support of the resolution.

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

Ms. FOXX. Mr. Speaker, I am deeply honored today to rise as the House considers House Joint Resolution 15, a resolution I authored to recognize the contributions of the Christmas tree industry to the United States economy.

As a former Christmas tree grower myself, I can attest to the importance of recognizing this often overlooked, yet highly significant, farming industry. Christmas trees have held a historic place in traditional American family values since 1850. Just as importantly, Christmas trees play a vital role in the North Carolina High Country's economy by providing jobs and livelihoods for thousands of North Carolinians.

My district in North Carolina is one of the largest producers of live-cut Christmas trees in the entire country. There are over 1,600 North Carolina growers and approximately 400 choose-and-cut Christmas tree farms across the State. The North Carolina Christmas tree industry is ranked second in the Nation in the number of trees harvested, producing over 19 percent of the real Christmas trees in the United States.

North Carolina has an estimated 50 million Fraser fir Christmas trees growing on over 25,000 acres. Representing over 95 percent of all species growing in North Carolina, Fraser firs are grown in North Carolina's western counties, including Alleghany, Ashe, Avery, Haywood, Henderson, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, Watauga and Yancey.

The North Carolina Fraser fir Christmas tree is the most popular Christmas tree in North America and is shipped to every State in the United States, as well as the Caribbean Islands, Mexico, Canada, Bermuda, Japan, and other points all over the world.

The North Carolina Fraser fir has soft needles with incomparable needle retention, a long-lasting aroma, and more pliable, yet stronger, branches for even the heaviest ornaments.

Through a contest sponsored by the National Christmas Tree Association, the North Carolina Fraser fir has been judged the Nation's best and has been chosen for the official White House Christmas tree 10 times, more than any other species, in 1971, 1973, 1982, 1984, 1990, 1993, 1995, 1997, 2005 and 2007.

It is my great privilege to say that a beautiful Fraser fir grown by Joe Freeman and Linda Jones of Mistletoe Meadows Christmas Tree Farm in Laurel Springs, North Carolina, presently sits in the White House Blue Room as this year's official White House Christmas tree.

The Christmas tree industry supports our economy and the environment. Christmas trees are grown in all 50 States, with North Carolina, Oregon, Michigan, Washington, Wisconsin, Pennsylvania, New York, Minnesota, Virginia, California, and Ohio being the top Christmas tree producers. Nationally, there are more than 21,000 Christmas tree growers, and more than 100,000 people are employed in the live-cut Christmas tree industry.

Thirty-six million live-cut Christmas trees are produced each year, and 98 percent are shipped or sold directly from Christmas tree farms. Live-cut Christmas trees are a renewable, recyclable resource. There are over 500,000 acres in production for growing Christmas trees in the U.S., and each acre provides the daily oxygen requirement for 18 people.

□ 1215

On average, over 1,500 Christmas trees are planted per acre, providing an abundant habitat for wildlife.

It can take up to 15 years to grow Christmas trees to retail sale height, a

testament to the commitment growers have to maintain strong and healthy trees. The retail value of all Christmas trees harvested in 2004 was $1.4 billion. Live-cut Christmas trees have been sold commercially in the United States since 1850. By 1900, one in five American families decorated live-cut trees during Christmas. By 1930, the tree had become a nearly universal part of the American Christmas. For generations, American families have traveled hundreds and thousands of miles to celebrate the holiday season together at home around the Christmas tree. This year, more than 10,000 trees were donated to American troops by over 750 Christmas tree farmers across the Nation. These Christmas trees were delivered to over 37 bases across 19 States and over 15 countries abroad to spread the holiday spirit to our men and women in uniform who are bravely and honorably serving our Nation throughout this Christmas season.

I would like to thank the chairman and ranking member of the Committee on Agriculture and the majority leader for their assistance in getting this resolution to the floor. I urge my colleagues to support this measure, recognizing this important industry, not just for its economic and environmental impact, but also for its cultural contribution to the Christmas holiday. Thank you to Christmas tree growers across the country for their contribution to our economy, our environment, and our Nation's heritage.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the joint resolution, H.J. Res. 15.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 15.

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

There was no objection.

GEORGE WASHINGTON NATIONAL FOREST LAND CONVEYANCE

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3454) to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3454

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

SECTION 1. LAND CONVEYANCE, CENTRAL ADVENT CHRISTIAN CHURCH CEMETERY AND ADJOINING TRACT, GEORGE WASHINGTON NATIONAL FOREST, ALLEGHANY COUNTY, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the Central Advent Christian Church of Alleghany County, Virginia (in this section referred to as the ''recipient''), all right, title, and interest of the United States in and to a parcel of real property in the George Washington National Forest, Alleghany County, Virginia, consisting of not more than 8 acres, including a cemetery encompassing approximately 6 acres designated as an area of special use for the recipient, and depicted on the Forest Service map showing tract G–2032c and dated August 20, 2002, and the Forest Service map showing the area of special use and dated March 14, 2001.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the recipient accept the real property described in such subsection in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support today of H.R. 3454. This bill, sponsored by Mr. BOUCHER from Virginia, would convey property in the George Washington National Forest to the Central Advent Christian Church of Alleghany County, Virginia. The parcel will consist of no more than 8 acres, and included in this parcel will be a cemetery encompassing approximately 6 acres.

Mr. Speaker, H.R. 3454 requires that the church accept the property at the time of the conveyance in an ''as is'' condition. The exact acreage and legal description of the properly to be conveyed will be determined in a survey of USDA's approval. USDA will also set additional terms and conditions in connection with the conveyance of the property.

The United States Forest Service has acknowledged that this particular tract of forest land is difficult to manage. Owning a cemetery tract is inconsistent with the Forest Service mission, which is why they have attempted to sell this property several times without success. I understand the Central Advent Christian Church has already been doing basic maintenance on the cemetery grounds. Conveying this land to the church would enable them to make more significant repairs to the property. This effort deserves congressional support.

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

Ms. FOXX. Mr. Speaker, I also rise today in support of H.R. 3454 which our distinguished ranking member on the Agriculture Committee (Mr. GOODLATTE) has cosponsored with Congressman BOUCHER. H.R. 3454 requires the U.S. Forest Service to convey, without consideration, 8 acres of the George Washington National Forest in Alleghany County, Virginia, to the Central Advent Christian Church. The conveyance includes a 6-acre cemetery and 2 additional acres between the cemetery and Interstate 64.

While typically the Forest Service would sell this property under existing authority, they did not receive any bids when they attempted to sell it. Clearly, the Forest Service should not be in the business of owning a cemetery, particularly that has been managed by the community church since 1941 under a special use permit. The church has tried to acquire the property, but for financial and other reasons has been unsuccessful.

The cemetery also creates some management problems for the agency, since there is a fair amount of maintenance associated with it.

This conveyance makes sense for the Federal Government and for the community church. It will allow the Forest Service to focus on the land Congress intended the agency to manage.

I urge adoption of this bipartisan legislation.

Mr. BOUCHER. Mr. Speaker, I rise in strong support of H.R. 3454, bipartisan legislation which will authorize the conveyance by the Forest Service to the Central Advent Christian Church in Alleghany County, Virginia of a small parcel of land containing a cemetery currently operated by the church. The church and the land in question are located in my Congressional District.

For 66 years, the Central Advent Christian Church has been operating its cemetery through a Special Use permit granted by the U.S. Forest Service. The historic cemetery contains more than 300 graves, two-thirds of which are located on land owned by the U.S. Forest Service. In recent years, maintenance of this land has become difficult for the Forest Service, taking valuable staff time to remove discarded flowers and other items.

It is the desire of the families of those buried in the cemetery, the members of Central Advent Christian Church and the Forest Service that the cemetery be transferred into church ownership, and the bill before the House takes the entirely appropriate step of authorizing the conveyance.

This measure authorizes the transfer of the 6.08 acres constituting the cemetery and a small additional tract, which would otherwise be landlocked by this transfer, to the church. The total amount of land to be conveyed to the church will not exceed 8 acres. Conveyance of the property will be contingent on the completion of a survey acceptable to the Forest Service at the church's expense.

I appreciate the efforts of Chairman PETERSON and his staff as well as my colleague from Virginia, Mr. GOODLATTE, in working with me on this legislation, and I thank Mr. GOODLATTE, who also represents a portion of Alleghany County, for cosponsoring the bill with me. H.R. 3454 enjoys bipartisan support in the House and its passage would benefit both the Forest Service and the members of the Central Advent Christian Church.

I urge approval of the measure.

Mr. GOODLATTE. Mr. Speaker, I wish to express strong support for H.R. 3454, which I've cosponsored with my colleague Mr. BOUCHER. H.R. 3454 would authorize the U.S. Forest Service to convey roughly 8 acres of the George Washington National Forest in Alleghany County, Virginia, to the Central Advent Christian Church.

These 8 acres contain a 6 acre cemetery and 2 acres between the cemetery and the adjoining interstate. The cemetery has been managed by the Church since 1941, under a special use permit, with no fees.

It's frustrating to me that limited federal dollars are being spent to manage this property that is clearly not in line with the mission of the Forest Service. That's why I've cosponsored this legislation. This bill will help relinquish the Forest Service of this responsibility so they can focus on the lands that our forefathers intended them to manage.

Several times, the Forest Service has attempted to sell this property but to no avail. The local community church lacks the resources to purchase the property. While I would of course prefer that we sell the land, I believe it is in the federal government's interest to convey the land to the Church rather than spending additional resources on it.

I urge adoption of this important legislation.

Ms. FOXX. I yield back the balance of my time.

Mr. PETERSON of Minnesota. 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 Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 3454.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

CONVEYANCES UNDER FLORIDA NATIONAL FOREST LAND MANAGEMENT ACT OF 2003

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1374) to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1374

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

SECTION 1. CONVEYANCES UNDER FLORIDA NATIONAL FOREST LAND MANAGEMENT ACT OF 2003.

(a) ADDITIONAL CONVEYANCE AUTHORIZED.—Subsection (b) of section 3 of the Florida National Forest Land Management Act of 2003 (Public Law 108–152; 117 Stat. 1919) is amended—

(1) by striking ''and'' at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19);

(3) by inserting after paragraph (17) the following new paragraph:

''(18) tract W–1979, located in Leon County consisting of approximately 114 acres, within T. 1 S., R. 1 W., sec. 25; and''; and

(4) in paragraph (19), as so redesignated, by striking ''(17)'' and inserting ''(18)''.

(b) ADDITIONAL USE OF PROCEEDS.—Paragraph (2) of subsection (i) of such section (117 Stat. 1921) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) acquisition, construction, or maintenance of administrative improvements for units of the National Forest System in the State.''.

(c) LIMITATIONS ON USE OF PROCEEDS.—Subsection (i) of such section is further amended by adding at the end the following new paragraphs:

''(3) GEOGRAPHICAL AND USE RESTRICTION FOR CERTAIN CONVEYANCE.—Notwithstanding paragraph (2), proceeds from the sale or exchange of the tract described in subsection (b)(18) shall be used exclusively for the purchase of inholdings in the Apalachicola National Forest.

''(4) RESTRICTION ON USE OF PROCEEDS FOR ADMINISTRATIVE IMPROVEMENTS.—Proceeds from any sale or exchange of land under this Act may be used for administrative improvements, as authorized by paragraph (2)(C), only if the land generating the proceeds was improved with infrastructure.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1374. H.R. 1374, introduced by Representatives ALLEN BOYD of Florida and Ander Crenshaw of Florida, would amend the Florida National Forest Land Management Act of 2003 and permit a land conveyance in Leon County. This bill would allow the United States Forest Service to sell a 114-acre parcel in the Apalachicola National Forest known as the ''Flea Market Tract.'' The parcel is surrounded by commercial development, including a major highway to the north, a power line easement to the south, and private land primarily developed to the east and west.

The configuration and development makes adequate land management difficult and the tract unsuitable as managed forest land. H.R. 1374 specifies that the proceeds of the sale of the tract be used for the purpose of acquiring private lands within the Apalachicola National Forest.

H.R. 1374 is supported by the United States Forest Service, the City of Tallahassee, and Leon County, as well as by local businesses, church and civic groups. It is a project that is worthy of congressional support.

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

Ms. FOXX. Mr. Speaker, I would like to echo the sentiments of my colleague and express support for H.R. 1374, which authorizes the sale of 114 acres in the Apalachicola National Forest in Florida, the proceeds of which can be used only to purchase private inholdings from willing sellers. H.R. 1374 passed the Agriculture Committee last week by a voice vote.

The land proposed for sale is a small tract that is extremely difficult for the U.S. Forest Service to manage, given its proximity to the City of Tallahassee and the surrounding development. Properties such as this, which contribute little to meeting the Forest Service mission, unfortunately diverts scarce resources from other lands that need management.

In addition to relieving the Forest Service of the management problems this tract creates, the bill will also help the agency reduce the number of private inholdings within the forest if the private owners are interested in selling. Inholdings are a common problem throughout many national forests in the East and create significant access and management issues for the landowners and the agency.

I urge adoption of this bipartisan legislation, and reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I now would yield such time as he may consume to the author of the bill, Mr. BOYD from Florida.

(Mr. BOYD of Florida asked and was given permission to revise and extend his remarks.)

Mr. BOYD of Florida. Mr. Speaker, I want to thank my friend, the distinguished chairman of the House Agriculture Committee, Mr. PETERSON, for granting me time to speak on behalf of this legislation and also thank him and the ranking member, Mr. GOODLATTE,

and his representative for supporting this legislation.

Mr. Speaker, the Apalachicola National Forest is the largest of Florida's three national forests. It contains 564,000 acres, and its rivers and streams provide a steady freshwater flow to some of the most productive coastal bays and estuaries known for shellfish and other commercial seafood. Portions of the forest are in wet lowlands and they abound with cypress, oak and magnolias. Watching wildlife, hunting and fishing are popular recreation activities in this beautiful national forest. Visitors to the forest also enjoy swimming, picnicking, boating, and camping.

The Apalachicola National Forest is truly a national treasure, and I am very proud that this legislation will help strengthen and sustain one of our Nation's most valuable natural assets.

As the chairman and the ranking member have said, this enables the national forest to sell a piece of property that really lies right on the south side of Tallahassee, Florida, in Leon County. It actually comes up to the beltway, or what we call the Capital Circle and is surrounded on three sides by commercial development. It is detached from the rest of the national forest, and so it is really, as you have heard earlier, an unmanageable piece of land. And with those proceeds, we are going to use the proceeds to go and purchase some privately held holdings within the confines of the 564,000 acres, what we commonly know as ''inholdings,'' and that is the only purpose that those funds can be used for. There are about 2,000 acres of inholdings, privately held lands within the Apalachicola National Forest, and that is what those funds, Mr. Speaker, would be used for.

I want to thank Mr. Joe Baca, the Forestry Subcommittee chairman, and his staff director, Lisa Shelton, for helping guide this legislation through the subcommittee process. And also I want to thank my friend, the majority leader, Mr. HOYER, for scheduling. I encourage our colleagues to pass this legislation.

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

Mr. PETERSON of Minnesota. 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 Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 1374.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

□ 1230

EXPRESSING HEARTFELT SYMPATHY FOR THE VICTIMS AND FAMILIES OF THE SHOOTINGS IN OMAHA, NEBRASKA, ON WEDNESDAY, DECEMBER 5, 2007

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 856) expressing heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 856

Whereas the community of Omaha, Nebraska has suffered through a tragic event at the Westroads Mall that resulted in the loss of 9 lives and the wounding of several others;

Whereas on December 5, 2007, a troubled young man entered a department store in the Westroads Mall in Omaha, Nebraska carrying a rifle;

Whereas the young man began to randomly fire his rifle at shoppers and store clerks within the Von Maur department store and other locations within Westroads Mall;

Whereas the result of this shooting spree resulted in the deaths of Gary Scharf, John McDonald, Angie Schuster, Maggie Webb, Janet Jorgensen, Diane Trent, Gary Joy, and Beverly Flynn;

Whereas Fred Wilson, Michelle Oldham, Jeff Schaffert, and Brad Stafford were wounded as a result of the shootings;

Whereas the first responders, officers of the Omaha Police Department, Douglas and Sarpy County Sheriff's Department, and Omaha Fire Department, arrived at the Westroads Mall within minutes and secured all entrances and exits to the mall and discovered a number of deceased persons, including the shooter;

Whereas on December 6, 2007 Nebraska Governor Dave Heineman ordered that all United States and State flags in Nebraska be flown at half-staff through Sunday, Dec. 9; and

Whereas the grieving and celebration of the lives of those lost in this senseless tragedy will be with the greater Omaha community for months and years to come: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) expresses its heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska on Wednesday, December 5, 2007; and

(2) conveys its gratitude to the city and county officials, and all the police, fire, sheriff, and emergency medical teams who responded swiftly to the scene and secured the mall and surrounding area.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I join my colleagues in consideration of H. Res. 856, which expresses heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007. H. Res. 856, which was introduced by Representative LEE TERRY on December 12, 2007, has the support of 72 Members of Congress.

The community of Omaha, Nebraska, experienced a shooting spree at the hands of a troubled teenager carrying a rifle on December 5. Sadly, nine people died, and four others were wounded in the Westroads Mall. Thankfully, first responders, the Omaha Police Department, Douglas and Sarpy County Sheriff's Department, and Omaha Fire Department all arrived within minutes of the attacks to secure all entrances.

Mr. Speaker, I would like to express great sympathy for the community's tragedy and all of the lives lost. I commend my colleague for sponsoring this measure, and I urge the swift passage of the resolution.

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

Mr. ISSA. Mr. Speaker, as we on a bipartisan basis support this resolution, I would yield to the gentleman from Nebraska (Mr. TERRY) such time as he may consume.

Mr. TERRY. I thank my friend, the gentleman from California, as well as the Government Reform Committee, for making sure that this got to the floor in such a timely manner.

December 5, 2007: that will be a day forever etched in Omaha's memory as the day a lone gunman took the lives of eight innocent people at the Westroads Mall, the Von Maur store, during the holiday shopping season. But it will also be remembered as a day that revealed the true character of Omaha.

Tragedy, no doubt, reveals the true meaning of unity in any community. Although I will never understand the senseless events that took place in my hometown on December 5, I stand here as a proud citizen, Congressman of that district, because it's in times like these it doesn't matter what party you belong to, what your political beliefs are, your race, creed, or color. People come together and they ask what can we do to help the city and the eight innocent people. I think this is not only the spirit of Omaha, or what defines the Omaha area, but also I think it is what exemplifies the spirit of America, and it is that spirit that we remember in each of the victims and the first responders.

Let me introduce the eight innocent lives that were lost on that day. There was 53-year-old Dianne Clavin Trent,

described by her family as a gentle, generous, soft-spoken woman who loved the Lord. She loved to shop and was always smiling. She had worked in customer service at Von Maur for about 8 years.

We have 65-year-old John McDonald, retired from Northern Natural Gas, whose daughter in fact worked with me in my law office. John was one of the heroes, when he left his place of safety to come out and start yelling, some people described it as rather passionately, at the gunman, to distract him from turning around, and a few feet away was a room where 12 other innocent people were holed up. John was shot. Amazingly, though, he was the last victim before the gunman turned the gun on himself.

The next victim, 48-year-old Gary Scharf, who just stopped by Von Maur to pick up some Christmas presents before catching a flight out of Omaha. He grew up on a ranch outside Curtis, Nebraska, where his funeral was held. He was a proud father who leaves behind a 19-year-old son.

Fifty-six-old Gary Joy was someone everyone could count on. He loved his job and liked to write poetry. His family followed his instructions to have his organs donated. They say it was just like Gary, to help someone else. His love was with us again, if not only in spirit.

There was 36-year-old Angie Schuster, born on Valentine's Day. Her boyfriend planned to give her an engagement ring this Christmas. The priest at her funeral called Angie and her soon-to-be fiance's love the ''real thing.''

We have 67-year-old Janet Jorgensen, who just celebrated her golden anniversary, 50 years of marriage to her husband Ron just a few months ago. She went above and beyond at Van Maur, as there were many times she would shop for customers or deliver items to customers' homes. She was the seamstress and cake-maker of the family; and for her three children and eight grandchildren, she will be missed.

There was 47-year-old Beverly Flynn. She took a part-time job at Von Maur because she was a mother of three beautiful girls. She was also a real estate agent, and her trademark was planting rosebushes in the yard of every new homeowner.

The youngest victim, 24-year-old Maggie Webb, was the new store manager of Von Maur, one of Omaha's finest department stores. Coworkers described her as one of the nicest people they had ever worked for, someone whose whole face lit up when she smiled. A lot of people will miss her service and smile.

Last, I want to thank our first responders. The spirit of Omaha showed itself through the efforts of our first responders. The first phone call from the mall came to 911 dispatchers at 1:42. No voice was on the line. All that was heard were gunshots. What an eerie call.

By the time the first responders arrived, just under 6 minutes later, the Omaha sheriff opens the doors and enters the store. What a heroic effort by our police officers, paramedics, firefighters, and others, when they got to the mall and saw such a grisly scene. The images they saw will likely haunt them for the rest of their lives. I thank the men and women who came to face the horror. Thank you for keeping us safe and saving lives. I also want to praise the spirit of Omaha for coming together after this tragedy.

In closing, I am deeply saddened by the senseless act from a troubled and disturbed teenager. It's something our city will never forget. It has scarred the very heart of our community. But I am proud of our community for its reaction and the way we came together to support the victims and begin the healing of our city.

Thank you once again to Government Reform for allowing this resolution to come forward and be part of the continuing healing in Omaha.

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

Mr. ISSA. Mr. Speaker, I yield such time as he may consume to the gentleman from the First Congressional District of Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentleman from California for yielding, and I also wish to thank my colleague, Congressman TERRY, for introducing this important resolution.

As we have heard, Mr. Speaker, on Wednesday, December 5, the enthusiasm of the holiday season came to an abrupt halt with an act of senseless brutality at the Westroads Mall in Omaha, Nebraska.

Mr. Speaker, as the Nation mourns the eight victims who were killed and the three who were wounded, and, I should add, I appreciate Mr. TERRY's lengthy description of these innocent persons and their lives, I think it is also important and appropriate to recognize their uncommon heroics and great sacrifices that are now just coming to light. If there is a comfort in the midst of this difficult time, it is the beauty of the human spirit and the good that stood in the midst of this horror and violence.

Dianne Clavin Trent of Omaha was a 53-year-old former airline flight attendant who had worked for 8 years in customer service at the Von Maur store in the Westroads Mall. As we have now learned, Dianne did not flee when she saw the gunman. She stood. She dialed 911 and gave a description of him, and then he turned on her.

Gary Scharf, 48 years old, of Lincoln, Nebraska, my hometown, was an agricultural chemical sales manager in the mall to buy a dress shirt. When he heard the gunshots, Gary also called 911. It appears then that he ran from where he was safe up to where the shooting was taking place. As he ran up the escalator, he yelled out, ''I called 911'' in an apparent attempt to distract the gunman. He also pulled a woman off the escalator out of harm's way before the gunman turned on him.

Mr. Speaker, I happened to know Gary and I am proud to call him a friend.

John McDonald was a 65-year-old grandfather and retired natural gas company manager living in Council Bluffs. When the rampage began, John took cover with his wife in the customer service area. As the gunman entered the customer service area, John stood and confronted him, and he too was shot. As now seems apparent, John's courage may have saved the lives of many other people nearby.

Dianne, Gary and John, innocently shopping one minute, decided in an instant to let go of a natural tendency to self-preservation and to make a great sacrifice for their fellow man. Others may have acted similarly in ways that we may never know.

Mr. Speaker, I thought you and the American people should know of this new information. God bless all those who lost their lives or were injured that day, and God bless their loved ones.

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

Ms. NORTON. Mr. Speaker, once again, I express the deep condolences and regrets of, I know, the entire House for the Omaha tragedy, particularly coming at this time when the whole country comes together in great love and respect.

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 the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 856.

The question was taken.

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

Ms. NORTON. 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 motion will be postponed.

HONORING LOCAL AND STATE FIRST RESPONDERS, AND THE CITIZENS OF THE PACIFIC NORTHWEST IN FACING THE SEVERE WINTER STORM OF DECEMBER 2 AND 3, 2007

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 851) honoring local and State first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 851

Whereas on December 2 and 3, 2007, a storm with winds exceeding 120 miles per hour struck Oregon and Washington, toppled trees, felled power lines, and destroyed homes and businesses;

Whereas more than ten inches of rain fell in 24 hours, inundating parts of Oregon and Washington, causing rivers to overflow, flooding homes, schools, businesses, and roads;

Whereas the combination of hurricane-force winds and torrential rains caused devastating damage that isolated towns, left citizens without housing, transportation, communications, water, heat, or electricity;

Whereas local and State emergency personnel responded heroically and without hesitation to aid in rescue, recovery, and assistance efforts;

Whereas the Oregon and Washington National Guard and the U.S. Coast Guard rescued hundreds of individuals trapped in or on their homes by rising water;

Whereas the people of Oregon and Washington rose to become extraordinary citizens by helping each other, opening their homes, schools, churches, and businesses to shelter their neighbors;

Whereas amateur radio operators performed vital communication duties in assisting first responders;

Whereas the National Weather Service forecasts helped avert even greater casualties and damage;

Whereas people have perished in the storm;

Whereas homes, businesses, schools, and roads have been closed;

Whereas many long-term effects of the storm are still unknown; and

Whereas thousands of people of the Pacific Northwest are without power, water, or road access: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the citizens of the Pacific Northwest for their courage in facing the storm and efforts in helping their neighbors in a time of great need;

(2) honors the National Weather Service, State and local police officers, fire fighters, local rescue personnel, other first responders, and amateur radio operators for their efforts in the face of the severe storm;

(3) extends its thoughts and prayers to those whose lives have been devastated, and who have lost their housing, transportation, communications, water, heat, or electricity; and

(4) extends its profound and deepest sympathies to the families and friends of those who perished.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 851, honoring local and State first responders and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007. H. Res. 851 was introduced by Representative DAVID WU on December 6, 2007. This measure, which has been cosponsored by 83 Members, has the support of the entire Oregon congressional delegation.

On December 2 and 3, 2007, a severe storm hit the Pacific Northwest, destroying homes, schools, businesses and roads, thus leaving thousands of people in Oregon and Washington without power, water, or road access. The Oregon and Washington National Guard and the U.S. Coast Guard rescued hundreds of individuals trapped in or on their homes. Oregonians and Washingtonians became extraordinary citizens by opening their hearts and their homes.

Mr. Speaker, please join me in commending the first responders and citizens who helped in time of need. I urge the swift passage of this resolution.

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

□ 1245

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, I rise in bipartisan support of this resolution with my colleague from the District of Columbia in honoring the first responders and citizens who were lost and who dealt with this extreme storm in such a valiant way.

All of us know the beauty of Mount St. Helens. All of us know the beauty of the region, but few of us outside the region can understand the strength of the storm that flooded whole communities, battered trees, roadways, and destroyed power for entire communities and left at least eight dead. In the aftermath, as the waters recede, we in Congress join with the people of Oregon and Washington in banding together to rebuild their community and their tattered region. But more importantly, we thank the first responders who, as appropriately people sought cover and safety, went out to deal with the effects of this storm at risk of life and limb.

I yield back the balance of my time and urge support for this important resolution.

Ms. NORTON. Mr. Speaker, it is with great pleasure and great feeling of sympathy and of great respect for those who have suffered so courageously through this storm that I yield to Mr. DAVID WU.

Mr. WU. I thank the gentlelady.

Mr. Speaker, between December 1 and December 3, the States of Oregon and Washington were battered by an exceptionally severe storm. One wind measurement instrument clocked at 129 miles an hour before it blew over, and I am told by a helicopter pilot that the U.S. Coast Guard measured winds up to 150 miles an hour. This is the first time that the National Weather Service used the term ''hurricane'' in connection with a storm outside of the tropics or subtropics, certainly as far north as latitude 45 where we are. We set an unfortunate record.

We have frequent storms in the Pacific Northwest, but what set this one apart is that while the typical winter storm may bring winds of 70 or 100 miles an hour for a few hours to coastal Oregon, this storm brought sustained winds of 85 to 100 miles per hour for 24 hours and gusts up to 130, 150 miles an hour. Entire swaths of trees were uprooted or snapped off. Homes were flooded. Twelve to 14 inches of rain fell in a 24-hour period in some parts of the coast range, and both Interstate 5 and the main Amtrak line on the west coast were closed for a period of time.

The folks who live in the coast range and on the coast were especially hard hit. But we are a hardy people who live in this paradise, and people took care of themselves. They immediately reached out to their neighbors. They helped each other, pulled together as a community, and we got through this together.

Unfortunately, several people perished, many people were injured. And many people went without heat or electricity or telephone service, were cut off from the world and were cut off by landslides on the roads, also, in addition to the loss of communication. But people got through this together in the great tradition of America and the great tradition of the Northwest and of Oregon.

I would like to especially commend the local and State first responders, the Oregon National Guard, the United States Coast Guard, the Oregon Red Cross, and the good works of the State of Oregon in facing this very, very severe storm. Even during the torrential rain and the winds, the good citizens of Oregon and Washington came to one another's assistance. There are people who told me that they knew that someone was trapped in a home, and they went in to get them even though there were shingles and pieces of glass flying through the air hard enough to stick into the side of homes. And one person went into a home where a piece of sheet metal was flapping in the wind, knowing that if that sheet metal came off that it would become a dangerous projectile, but he went in to get the resident out.

City Councilor Mark Kujala of Warrenton stayed by the phones for 24 hours to take calls and answer calls so that people would not feel isolated and cut off, so that they could get some information. KMUN in Astoria, Oregon, because there was a severe storm a year ago, prepared for this by putting up a propane tank. And even though a tree fell on its roof and damaged the structure severely, KMUN stayed on the air all through the storm and gave the people of the north Oregon coast a sense of connection to what was happening in the outside world. And I want to commend the amateur radio operators, the folks who kept parts of the

local telephone system operating, and others, for keeping our communities together through the darkness, the cold, and the isolation when most of the phone lines went down.

The immediate efforts of first responders as well as local and State officials are to be applauded. And I want to express a special thanks to the U.S. Coast Guard. The Coast Guard lost all of their communication. They lost their Internet. They lost their telephones. They lost their cell phones. They were down to VHF radio, 1950s technology, to communicate with other first responders and themselves, and yet, they went out and picked people off the roofs, went into homes. One of the rescuers went into a home that was flooded up to chest level and the lights were still on in the room where this disabled individual was located, and yet this rescue swimmer went in there with the electricity on and got the person out and into a rescue helicopter.

The National Guard performed heroic efforts. Camp Rilea became a safety shelter, kind of a dry safe harbor for the people of the north coast. They distributed generator fuel to so many people who were trying to run their own generators when the power went down, and at one point they were down to their last 30, 60, 90 minutes of fuel. But then they got resupplied and were able to help continue to keep other folks' generators working. And the radio station in Seaside had their antenna blown down, but they got right back up the next day when it was safe to get the antenna back up and get a generator going and kept folks informed.

I have tried to work closely with Governor Kulongoski, and he has been terrific through this entire episode. It was a Sunday-Monday storm, and I couldn't get a phone call through to folk in the area until Wednesday night, but Governor Kulongoski toured the area Tuesday afternoon and was on the phone with me Tuesday afternoon to tell me some of the things that were needed. The Governor and I work hard to make sure that both the State and the Federal components of recovery and prevention for the future, that we do our jobs, that we have not too much government but all the government that we need to keep Americans safe, to enable us to pull together in times of crisis and need.

Life is uncertain in the paradise that we call the Pacific Northwest. It has sometimes been referred to as the land of fire and ice. We have regular storms, periodic fires, and rare huge earthquakes and tsunami. To paraphrase an author of the region: We are always searching for hardy people to match this challenging land. And I think that we do have those people.

Life in the paradise we call home may be uncertain, but we know that we are a match for it and we shall meet the challenges together. A long road of recovery lies ahead, but like the pioneers of old, we will bring everyone to the finish line together. No one will be left behind. No one will be forgotten. I want to salute the citizens of the Pacific Northwest, the first responders, and everyone else who came from the region to help out in our time of need. Thank you.

Mr. ISSA. I yield back the balance of my time.

Ms. NORTON. I want to say to my good friend from Oregon that his resolution not only informs us about the heroic efforts of first responders and the residents, but educates us about places where catastrophic storms may occur unexpectedly. It sounds as though the States of Oregon and Washington had a short-term version of Katrina and managed somehow to deal with it themselves. So we commend first responders and citizens of both States.

Mr. SMITH of Washington. Mr. Speaker, a few weeks ago, on December 2 and 3, a severe winter storm swept across Oregon and Washington State. Countless first responders came to the aid of those in need and worked tirelessly to restore order in the aftermath of the storm. I strongly support H. Res. 851 in recognition of the dedication, service, and courage shown by these men and women.

The winter storm affected dozens of communities and many thousands of people in Washington and Oregon, including my constituents in the Nineth District of Washington. It struck the Pacific Northwest with a ferocity that is rarely seen in the region. The storm brought winds that exceeded 100 miles per hour, saturated the region with 10 inches of rain in a 24-hour period, and led to the loss of human lives. Homes and businesses were flooded, roads and thoroughfares were damaged or swept away, and thousands of citizens were left without electricity, heat, water, transportation, or adequate shelter.

Throughout and following the storm, the men and women of local and state police agencies, fire and rescue groups, local and state emergency first-response organizations, the U.S. Coast Guard, and the Oregon and Washington National Guard were ready to respond to the extraordinary circumstances. They rescued those trapped by the rising waters, provided aid to those in need of critical assistance, and helped to limit the ill effects of this tragic weather event.

As a member of the House Armed Services Committee, I want to call particular attention to the service of the Washington National Guard. Some 400 Washington National Guard Members, 70 vehicles, and 11 teams supported response and recovery operations, conducted house-to-house searches, and provided needed food, water, and other emergency provisions. In cooperation with many other local, State, and Federal first responders, the men and women of the Washington State National Guard performed their duty admirably, and I am very grateful to them.

Please join me in honoring the Washington State National Guard and recognizing the many other first responders for their contributions during the winter storm of early December. I urge my colleagues to support H. Res. 851.

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

The SPEAKER pro tempore (Mr. CARDOZA). The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 851.

The question was taken.

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

Ms. NORTON. 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 motion will be postponed.

SUBMISSION OF MATERIAL EXPLANATORY OF APPROPRIATIONS MEASURES FOR FISCAL YEAR 2008

Pursuant to section 3 of House Resolution 869, the chairman of the Committee on Appropriations submitted explanatory material relating to appropriations measures for fiscal year 2008. The contents of this submission will be published in Book II of this RECORD.

RECOGNIZING AND CELEBRATING THE CENTENNIAL OF OKLAHOMA STATEHOOD

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) recognizing and celebrating the centennial of Oklahoma statehood.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 254

Whereas on November 16, 1907, Oklahoma officially became the 46th State of the Union;

Whereas prior to becoming a State, Oklahoma was designated as Indian Territory, providing a vibrant history and culture that continues to enrich the lives of its citizens;

Whereas the State of Oklahoma was shaped by those adventurous and daring individuals who embraced the spirit of this great Nation as they opened the frontier of the American West;

Whereas generations of proud people from all backgrounds have called Oklahoma their home and have contributed to its spirited history;

Whereas these hearty and resilient people have defined what has come to be known as the spirit of Oklahoma through their strength, character, and persistent strides toward a bright future;

Whereas the continued strength, initiative, and pursuit of excellence displayed by the citizens of the State of Oklahoma have produced its vibrant economy and secured it as a place of opportunity and progress now and for future generations;

Whereas the solid foundation of family and community embraced by the citizens of Oklahoma has been a constant guide and source of strength to those citizens throughout its history and will remain so long into its future;

Whereas the natural beauty and abundant resources of the State of Oklahoma support a quality of life for its citizens that is unsurpassed; and

Whereas on November 16, 2007, the State of Oklahoma will begin a new century of statehood: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes and celebrates the centennial of Oklahoma statehood and wishes its people another hundred years of continued growth, prosperity, and achievement.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. NORTON. Mr. Speaker, I am pleased to join my colleagues in consideration of H. Con. Res. 254, a resolution recognizing and celebrating the centennial anniversary of Oklahoma statehood.

H. Con. Res. 254 was introduced by Representative MARY FALLIN of Oklahoma on November 13, 2007, and reported from the Oversight Committee on December 12, 2007, by voice vote. This measure, which has been cosponsored by 55 Members, has the support of the entire Oklahoma delegation.

Friday, November 16, 2007, marked Oklahoma's centennial celebration. The Sooner State has played a significant role in the development and history of our Nation and will continue to be a cornerstone of the independent spirit that makes our country great.

Mr. Speaker, please join me in honoring Oklahoma's past achievements, current accomplishments, and the State's goodwill as it continues into the future. I urge swift passage of this bill.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 254, which recognizes and celebrates the 100th anniversary of Oklahoma statehood.

Mr. Speaker, Oklahoma is a State that takes energy production so seriously that it has oil wells on the grounds of the Governor's mansion. It is a State people were so anxious to move into that they jumped the gun in claiming homesteads and entered sooner. That is where the nickname comes from, the Sooner State.

Mr. Speaker, at a time in which energy independence is talked about but not achieved, in which States like our own, California, are major energy producers but less than half of the oil that it consumes, Oklahoma continues to aggressively find the resources that lie beneath it and to make it available for us.

Additionally, throughout its heartache, Oklahoma has given us Gene Autry. I won't skip over Brad Pitt. It has given us music. It has given us both country and a number of other great venues. But, most of all, it gave us J.C. Watts, the longest winning streak in history in college football, and they are proud of it. And, last but not least, it gave us Will Rogers.

So as we look at Oklahoma, a State that takes oil seriously, that in fact was rushed into because it was such a great place, I also join with my colleagues in supporting this resolution recognizing that, after 100 years, Oklahoma is still a meaningful and important part of this great Nation.

Mr. Speaker, I urge support of this resolution, and I yield back the balance of my time.

Ms. NORTON. 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 the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254.

The question was taken.

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

Ms. NORTON. 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 motion will be postponed.

□ 1300

LANCE CORPORAL DENNIS JAMES VEATER POST OFFICE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3911) to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the ''Lance Corporal Dennis James Veater Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3911

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

SECTION 1. LANCE CORPORAL DENNIS JAMES VEATER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, shall be known and designated as the ''Lance Corporal Dennis James Veater Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lance Corporal Dennis James Veater Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

I am pleased to join my colleagues in the consideration of H.R. 3911, a bill to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the ''Lance Corporal Dennis James Veater Post Office.''

H.R. 3911 was introduced by Representative CARNEY of Pennsylvania on October 22, was reported from the Oversight Committee on December 12 by voice vote. This measure which has been cosponsored by 18 Members has the support of the entire Pennsylvania congressional delegation. Lance Corporal Veater was wounded in Anbar province, Iraq, and died of his wounds in Fallujah, Iraq. The mission was believed to be his last mission just 2 weeks before returning home.

Mr. Speaker, I urge swift passage of this bill.

I reserve the balance of my time.

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

I join with my colleague from the District of Columbia in supporting the naming of this post office after Lance Corporal Dennis Veater. He was a dedicated marine who enlisted in 2004 upon his high school graduation and entered the Marine Corps Reserve at age 17, following in the footsteps of his marine sergeant major father. Lance Corporal Veater wanted to serve his country, and he wanted to make a difference.

On March 9, 2007, just 2 weeks before his scheduled return to the United States, Lance Corporal Veater was mortally injured while conducting combat operations in Anbar province, Iraq.

He leaves behind his fiancee, whom he planned to marry upon his return, and his 14-month-old son, Dominick.

Lance Corporal Veater did not die in vain. Today Anbar province is safer because of the work he and the other marines did there. I join with my colleagues on the other side of the aisle in thinking it is very important to remember this man and the work he did for his family back home.

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

Ms. NORTON. Mr. Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. CARNEY) such time as he may consume.

Mr. CARNEY. Mr. Speaker, I would like to thank the gentlewoman and appreciate the comments of our friends on the other side.

Dennis Veater is somebody we are very proud of from the 10th District, and I rise in support of my bill, H.R. 3911.

I would like to take a moment to talk about and honor Dennis Veater

and those from Pennsylvania's 10th Congressional District. He was born in Quantico. He moved to Pennsylvania where he graduated from Abington Heights High School in 2004. At the age of 17 he enlisted in the Marine Corps Reserves. Dennis proudly followed in the footsteps of his father, a retired marine sergeant major.

Unfortunately, as we have already found out, 2 weeks before his scheduled return, he was mortally injured while conducting combat operations in the Anbar province, Iraq. He died of his wounds in Fallujah. Lance Corporal Veater died fighting for our freedom. He is truly a hero, and he represents what is best about Pennsylvania's 10th Congressional District.

It is my hope by naming the post office at 95 Church Street in Jessup, Pennsylvania, as the Lance Corporal Dennis Veater Post Office, future generations will remember what this brave young man did for them.

I urge all Members of Congress to honor this hero and vote in favor of this legislation.

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

Ms. NORTON. Mr. Speaker, I commend the gentleman from Pennsylvania for thinking to do something that we rarely see. We see post offices honoring Members of Congress, honoring judges, honoring very honorable people. But in my service on this committee, I have not seen a post office named for a young person who has died recently in battle. I do think it is an important way to indicate, particularly to the family, to what must surely be for many young men, many who knew him and looked forward to his returning in just 2 weeks from the time he died, that his memory will live not only with this Congress and in this resolution but also permanently with a United States Post Office in his honor.

We are pleased we were able to dedicate this resolution before the end of this Congress because this young man died just in March of 2007.

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 the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3911.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PAUL E. GILLMOR POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2174) to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2174

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

SECTION 1. PAUL E. GILLMOR POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, shall be known and designated as the ''Paul E. Gillmor Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Paul E. Gillmor Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, I join my colleagues in consideration of S. 2174, which designates the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building.''

S. 2174 was introduced by Senator VOINOVICH of Ohio on October 17, 2007, and reported by voice vote on December 12, 2007. Congressman Gillmor was serving his 10th term in the United States House of Representatives representing the Fifth Congressional District in Ohio until his untimely death in September 2007.

I know that the entire House grieved and was shocked to learn that Representative Gillmor died right here at his home, the place where he prepared to come to this very House. He is very much missed on both sides of the aisle. This is a very appropriate way to remember this long-time Member of the House of Representatives.

Mr. Speaker, I commend Senator VOINOVICH for seeking to honor the legacy of our late colleague and offer condolences to the family of Representative Gillmor and his colleagues in the Ohio congressional delegation and those in his district. I urge swift passage of this bill.

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

Mr. ISSA. Mr. Speaker, I yield for such time as he may consume to the gentleman who now seeks to fill the shoes left by the passing of our colleague and friend, Mr. Gillmor, Mr. BOB LATTA.

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

Mr. LATTA. Mr. Speaker, I rise in support of S. 2174 sponsored by Senators VOINOVICH and BROWN to name the United States Post Office in Tiffin, Ohio, after Paul E. Gillmor.

I first met the Congressman when he began his public service career over 40 years ago. Congressman Gillmor admirably served as a State senator, as president of the Ohio senate, and also of course as a United States Congressman since 1989. Congressman Gillmor cared for the people of his district and was dedicated to serving them.

I was taught by my father who served in this Chamber for 30 years that a true public servant is an individual who sees how much they can give of themselves to the people they represent, and I truly believe that Paul did exactly that. I think it is a fitting tribute to name a United States Post Office in Tiffin, Ohio, in his honor.

He unselfishly gave of his time and energy to serve the citizens not only of the Second Senate District but also the Fifth Congressional District for over 40 years.

It is truly an honor for me to follow the Congressman who served in this seat. I ask that this body approve the naming of this post office in the name of Congressman Gillmor.

Ms. NORTON. Mr. Speaker, I express once again the condolences of every Member of this House, and for that matter the commendation to our colleague for offering this commemoration to our colleague.

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

Mr. ISSA. Mr. Speaker, I join with my colleague in urging support for this bill. I traveled extensively with Paul Gillmor. He was a close friend of Henry Hyde and loved to be an advocate for a better understanding not just of the State of Ohio, but of our Nation abroad. It is very befitting that we do this and do it in a timely fashion. I move support for the bill.

Mr. Speaker, I rise today to urge passage of S. 2174, to designate the U.S. Post Office at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building."

Mr. Speaker, I doubt I've ever had an easier sell when it comes to convincing my colleagues to support legislation.

As was noted repeatedly on this floor when Paul died on Sept. 5 at his home in Arlington, he was a man we all liked, even those of us on the other side of the political aisle.

A small-town banker, a businessman, a Vietnam War vet, a former Judge Advocate General, a husband and father of five, he was known to all of us as a man who worked hard for and cared deeply about his constituents, who spent most of his life in service to his country and who, just 12 days before his death, was touring flood-ravaged areas of his beloved Ohio and trying to see how he could help.

He was a moderate, an effective legislator and, most importantly and most memorably, a

gentleman with all the best that word represents.

I urge my colleagues to bestow this one last honor on our friend from the Buckeye State.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the Senate bill, S. 2174.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE COLORADO ROCKIES ON WINNING THE NATIONAL LEAGUE CHAMPIONSHIP

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 816) congratulating the Colorado Rockies on winning the National League Championship and playing in the 2007 World Series, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 816

Whereas on October 15, 2007, the Colorado Rockies completed a remarkable 21 out of 22 game-winning streak, with a 4-game sweep of the Arizona Diamondbacks, and won the 2007 National League Championship series;

Whereas the Colorado Rockies then played in the franchise's first World Series against the Boston Red Sox;

Whereas the Colorado Rockies demonstrated remarkable team unity, as well as individual initiative and personal determination, and serve as a prime example of good sportsmanship;

Whereas the Colorado Rockies fans demonstrated their passion for their team, their love of baseball, and their character as some of the world's greatest baseball enthusiasts; and

Whereas the city of Denver and the State of Colorado exhibited their ability to host a fantastic Major League Baseball post-season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates—

(A) the Colorado Rockies on winning the 2007 National League Championship;

(B) the players, manager, coaches, support staff, ownership, and executives whose commitment to the game made all this possible; and

(C) the Boston Red Sox for their extraordinary success in winning the 2007 World Series; and

(2) directs the Enrolling Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) the 2007 Colorado Rockies and Boston Red Sox baseball teams;

(B) Colorado Rockies manager Clint Hurdle; and

(C) Colorado Baseball Partnership's chief executive officer and chairman Charlie Monfort.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

I am pleased to join my colleagues in consideration of H. Res. 816, as amended, congratulating the Colorado Rockies on winning the National League Championship.

H. Res. 816 was introduced by the gentleman from Colorado (Mr. UDALL) on November 9, 2007, and reported from the Oversight Committee on December 12, 2007, as amended, by voice vote.

This measure has been cosponsored by 54 Members. The Colorado Rockies defied the odds this year, winning the 2007 National League Championship and capturing the best hopes of Coloradans, and giving us all a reason to cheer for their success.

□ 1315

Mr. Speaker, I commend my colleague for the recognition the Rockies' victory affords and urge swift passage of this bill.

Mr. ISSA. Mr. Speaker, I rise in support of this bill. I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge passage of H. Res. 816, congratulating the Colorado Rockies for winning the National League Championship and participating in the World Series.

Mr. Speaker, to go to the World Series is to be special. To win it is a 50–50 chance. So I think it is appropriate when we look at a team that had won 21 of 22 games, defeating the Philadelphia Phillies in the Division Series and the Arizona Diamondbacks for the National League Championship to claim their spot in the World Series that, in fact, we in Congress take a few moments before our colleagues, many of them arriving back from their districts, to add this to what we will celebrate for America tonight, because nothing is greater to celebrate for America than its pastime of baseball, particularly at a time when we are cleaning up baseball.

So with that, there's no asterisk behind this resolution, and I urge its support.

I yield back the balance of my time.

Ms. NORTON. 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 the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 816, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: A Resolution congratulating the Colorado Rockies on winning the National League Championship.''.

A motion to reconsider was laid on the table.

DAN MILLER POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4342) to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the ''Dan Miller Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4342

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

SECTION 1. DAN MILLER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, shall be known and designated as the ''Dan Miller Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dan Miller Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. NORTON. Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 4342, designating the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the Dan Miller Post Office Building.

H.R. 4342 was introduced by Representative BUCHANAN of Florida on December 10, 2007, was reported from the Oversight Committee on December 12, 2007, by voice vote. This measure has been cosponsored by the entire Florida delegation.

Representative Dan Miller represented Florida's 13th District in this House from 1992 to 2002. Currently he is teaching at the University of South Florida and is developing the Manasota Institute of Public Policy and Leadership at the Sarasota Campus of the University of South Florida.

Former Representative Miller's efforts in Congress as well as in academia have been greatly appreciated, and I urge swift passage of this bill.

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

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

Mr. Speaker, I served with Congressman Dan Miller. He, unlike most Members of Congress, came here, said he would stay for a period of time, as the Founding Fathers thought, and return to his life at home.

He was elected from the 13th District of Florida in 1992, and after 10 years, five terms, retired in 2003. He did so not to seek higher office, not for any reason except that he felt that he came here for a period of time, served for the time he'd promised, and went back. He has, in fact, returned to his life and appropriately has resettled in southwest Florida at the University of South Florida.

I look forward to seeing him up here again some day. I look forward to his continued process of participating here in helping those of us in Congress.

It is unusual for a Member of Congress to come, stay for a period of time, and not return to lobbying, not seek higher office, but in fact to go back to being the citizen that he can be and to give to his community and to be available should we need him.

Mr. Speaker, I join with my colleagues and the Government Reform Committee that unanimously voted this out in urging the passage of the Dan Miller Post Office.

Mr. MICA. Mr. Speaker, it is with great pleasure that I join in recognizing the distinguished career of one of my former colleagues, the Honorable Dan Miller of Bradenton, FL. My friendship with Dan actually dates back more than four decades to 1962, when we were best friends and members of the Delta Chi fraternity at the University of Florida. Throughout my time in college, our post-college years and finally our years serving in the House of Representatives together from the great State of Florida, I have always cherished his friendship, admired his public service and enjoyed knowing his wife Glenda and their wonderful family.

Dan Miller will always be remembered in these Halls for his congenial nature, his leadership on a host of issues, and his commitment to fiscal restraint. When he ran for Congress, he was a staunch advocate of shrinking the size and scope of the Federal Government and reducing the impact of onerous Federal regulation in the lives of average Americans. He remained true to his convictions throughout his 10 years in this institution and would be proud to know that he will be remembered that way. He served as a Member of Congress with an appreciation for the history around him and a passion for the job and the goals he came to Washington to achieve that we would all be well-served to emulate. I know that I join family friends and colleagues in supporting this well-deserved recognition by Congress.

Mr. BUCHANAN. Mr. Speaker, I rise today in support of renaming the Bradenton Main Post Office at 824 Manatee Avenue West as the "Dan Miller Post Office Building" in honor of former Congressman Dan Miller.

I can think of no better way to honor the public service of this former Florida Congressman than to designate the Bradenton Main Post Office in his name.

Dan Miller is a successful Bradenton businessman, educator, and community leader who represented Florida's 13th District in Congress from 1992 to 2003, when he retired from the House.

He is a principled and effective leader who was consistently recognized as one of the top fiscal conservatives in Congress.

Congressman Miller helped balance the Federal budget for the first time in 30 years by using Federal resources wisely—cutting waste, fraud, and abuse while supporting important programs like the National Institutes of Health, where Dan led the effort to double NIH funding.

Dan managed the congressional oversight of the 2000 U.S. Census, the most successful census to date despite many efforts to politicize the process.

Congressman Dan Miller is a statesman who commanded bipartisan respect and befriended lawmakers on both sides of the aisle.

He is a man of integrity who kept his word to term-limit himself and serve only five terms in Congress.

Congressman, successful businessman, respected educator—I am honored to call Dan Miller a friend and advisor.

I am also proud to hold the seat he once held and pleased to pay tribute to him by sponsoring this legislation.

I urge all of my colleagues to support H.R. 4342 in honor of former Congressman Dan Miller.

Mr. ISSA. I yield back the balance of my time.

Ms. NORTON. 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 the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 4342.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DOCK M. BROWN POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4210) to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the "Dock M. Brown Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4210

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

SECTION 1. DOCK M. BROWN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, shall be known and designated as the "Dock M. Brown Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dock M. Brown Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

Ms. NORTON. Mr. Speaker, I'm pleased to rise in support of H.R. 4210, a bill designating the facility of the United States Post Office located at 401 Washington Avenue in Weldon, North Carolina, as the Dock M. Brown Post Office Building.

H.R. 4210, which was introduced by Representative G.K. BUTTERFIELD of North Carolina on November 15, 2007, was reported from the Oversight Committee on December 12. This measure has been cosponsored by 12 Members and has the support of the entire North Carolina congressional delegation.

Dock Brown was a dutiful and loyal public servant to the City of Weldon, North Carolina. He was a teacher and served as principal for more than 30 years in the school system. In addition to his dedication to strengthening academia, Dock Brown also served 8 years as a Halifax County Commissioner, 2 years in the North Carolina House of Representatives for District Seven, 8 years as Commissioner on the Weldon town board, and served also on the State Agriculture Committee. The City of Weldon is greatly touched by his good work, his dedication and his efforts to strengthen their community.

Mr. Speaker, I urge swift passage of this bill.

I reserve the balance of my time.

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

I rise in support of the naming of this post office the Dock M. Brown Post Office Building. Dock Brown was a dedicated public servant, a member of the community, and a shining example as a local leader.

A veteran of the Korean war, Mr. BROWN served his community as an educator and a politician. During a more than 30-year tenure as a teacher and principal at Halifax County, North Carolina, he also served on the community health board, chaired the county election board and served 19 years on the mental health board. Truly, this was a community leader and appropriate for naming of a post office in his hometown.

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

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, I want to thank the gentlelady from the District of Columbia for her friendship

and thank her for yielding me this time.

Mr. Speaker, I want to very briefly comment on H.R. 4210. This is a bill that I introduced to name the post office located at 401 Washington Avenue in Weldon, North Carolina, after a very dear friend of many, many years, Mr. Dock M. Brown.

We are seeking to name this post office as the Dock M. Brown Post Office Building. Dock Brown, Mr. Speaker, has been a friend and supporter for many years. He is a pillar of leadership in the Halifax County community and throughout our congressional district. And I might say parenthetically, Mr. Speaker, that the gentlewoman from the District of Columbia also has roots in Halifax County, North Carolina, and it is just ironic that she happens to be on the floor at this very moment.

Mr. Speaker, Dock Brown was born on January 30, 1929, in Halifax County to a wonderful couple, Nelson and Vilvie Brown. Dock Brown's father, as was my father, was a veteran of World War I. Dock would soon follow in his father's footsteps by also serving our country as a sergeant in the United States Army.

Mr. Brown graduated from J.A. Chaloner High School in 1948 and entered historic Shaw University in Raleigh, North Carolina, that fall. In 1951, just 1 year before he was to graduate from that institution, Dock Brown was drafted into the United States Army and was given orders to fight in the Korean War.

Dock Brown served 12 long months in Korea before returning to Fort Bragg, North Carolina, his native home State, to serve out the remainder of his tour. Immediately after his discharge, Dock Brown resumed his education at Shaw University, where he received his undergraduate degree in history.

To fulfill his dream of becoming a school teacher, Dock attended another great institution, which was my alma mater, North Carolina Central University in Durham, North Carolina, where he received a master's degree in sociology and school administration.

Dock Brown is an extraordinary educator. He taught history at Weldon High School and Eastman High School for 24 years and served as principal of Pittman High School for 10 years. His positive impact on the youth in Halifax County cannot be measured. He touched so many young lives, and it was Dock Brown's encouragement that has served as a catalyst and foundation that propelled many of those young people to grow into well-established, productive, progressive citizens.

Dock Brown also served as an appointed official in Halifax County. He served on the County Board of Health. And for 19 years he served on the Board of Mental Health, where he served as chairman for the last 4 years of his tenure. He was honored with the Lifetime Achievement Award from the State Mental Health Association for his tireless dedication to the issue of mental health.

He served 7 years as a trustee at Elizabeth City State University and 2 years as an appointee to the Governor's Commission to evaluate superior court judges.

Mr. Speaker, Dock Brown has also served, as we do, as an elected official. For 8 years he served as a county commissioner in Halifax County; 2 years in the North Carolina House of Representatives, representing District 7; 8 years as a commissioner on the Weldon Town Board.

For his untiring service to the State of North Carolina, Dock Brown was awarded the Order of the Long Leaf Pine by then Governor James B. Hunt, Jr. This is the highest civilian honor granted to a citizen in North Carolina.

Religion has played a major part in the life of Dock Brown. He has been an active member of the First Baptist Church in Roanoke Rapids since the age of 11, where he served in many capacities including that of ordained deacon for more than 50 years.

He has been married to his devoted wife, Helen Brooks Brown, for 54 years. Together they have reared two children: Dock Brown, Jr. and Ivy Brown Singlton. Ivy is married to Lieutenant Colonel Terance Singlton, II, who proudly serves us in the United States Army.

I am so proud, Mr. Speaker, to have authored this legislation to honor this individual. Dock Brown has dedicated his entire life to serving others and has touched entire generations of young people.

This legislation has the entire support, bipartisan support, of my delegation. I urge my colleagues to vote ''yes'' on H.R. 4210.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 4210.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL FOOD DONATION ACT OF 2007

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4220) to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4220

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 Food Donation Act of 2007''.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage executive agencies and their contractors, whenever practical and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

SEC. 3. PROMOTING FEDERAL FOOD DONATION.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide that each contract in an amount greater than $25,000 for the provision, service, or sale of food, or for the lease or rental of Federal property to a private entity for events at which food is provided, shall include a clause that—

(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States;

(2) provides that the head of an executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing such excess, apparently wholesome food to food-insecure people in the United States; and

(3) states that executive agencies and contractors making donations pursuant to this Act are protected from civil or criminal liability under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

SEC. 4. DEFINITIONS.

In this Act:

(1) EXCESS.—The term ''excess'', when applied to food, means food that is not required to meet the needs of executive agencies and would otherwise be discarded.

(2) APPARENTLY WHOLESOME FOOD.—The term ''apparently wholesome food'' has the meaning provided in section 2(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)).

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a) of such Code.

(4) FOOD INSECURE.—The term ''food insecure'' means inconsistent access to sufficient, safe, and nutritious food.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, H.R. 4220, the Federal Food Donation Act, as amended, is a modest measure designed to help address the very large problem of hunger in America. In 2005, 25 million people in this country, including 9 million children, had to rely on soup kitchens and other charitable food programs to help meet their nutritional needs.

Introduced by Representative JO ANN EMERSON, H.R. 4220 requires Federal agencies to include in their food service and space rental contracts a provision that would encourage contractors to donate any surplus food to nonprofit organizations that provide assistance to the hungry. This bill builds on the work of some innovative nonprofit organizations that have been conducting similar programs in the private sector.

The bill also includes provisions that will ensure that costs of collecting, transporting and storing donated food would not be borne by the Federal Government and that executive agencies and contractors would be protected from civil or criminal liability.

I urge my colleagues to support this bill. Together we can feed America in this rich country.

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

Mr. ISSA. Mr. Speaker, I would like to yield such time as she may consume to the gentlelady, Mrs. EMERSON, who, in her own right, is recognized as a leader in service to the hungry and unfortunate.

Mrs. EMERSON. Mr. Speaker, with 35 million individuals, including 12 million children, either experiencing hunger or teetering right on the verge of hunger each year, the American people expect us to take every reasonable action possible to address this crisis.

The American people are generous with their time and with their resources. And particularly, during the Christmas season, they're willing to make the extra effort to donate their time at a soup kitchen or provide groceries to a food pantry. Unfortunately, the need for these donations is real and it's growing.

The Federal Food Donation Act is one small way the Federal Government can mirror the everyday lives of the constituents we serve. This legislation would require executive agencies who serve food on their premises to encourage the donation of excess food to nonprofit organizations. Such food rescue efforts can be particularly useful to the more than 43,000 soup kitchens and food pantries on the front lines battling hunger. Our constituents are willing to search through their pantries to donate excess food, and so should we.

Mr. Speaker, I'd like to thank Chairman WAXMAN and Ranking Member DAVIS for their efforts on behalf of the hungry. The changes to this legislation made during committee markup are an improvement that will enhance the scope and impact this legislation will have.

I'd also like to thank their dedicated staff for their time and counsel in drafting this legislation.

I'd also like to particularly thank the dedicated individuals at Rock It and Wrap It Up for their efforts in conceiving and promoting this concept. This nonprofit organization has specialized in food recovery and has been thinking outside the box in the battle against hunger for years.

Mr. Speaker, the effects of rising food prices have already been felt by our partners who serve the hungry. We learned today from the U.S. Conference of Mayors that their constituents are seeking emergency food aid more frequently and more homeless families are seeking shelter. More resources are clearly needed.

The Federal Food Donation Act may be a small step in the overall battle against hunger, but it is one worth taking.

I urge a ''yes'' vote on H.R. 4220.

Ms. NORTON. Mr. Speaker, I am pleased to yield 5 minutes to Mr. MCGOVERN, the gentleman from Massachusetts, who led us earlier on this very issue and succeeded in getting increases in food stamps this very year.

□ 1330

Mr. MCGOVERN. Mr. Speaker, I thank my colleague from the District of Columbia for yielding me the time and for her support for this bill and for so many other important issues.

Mr. Speaker, I rise in support of H.R. 4220, the Federal Food Donation Act of 2007.

Let me begin by commending the sponsor of this legislation, Congresswoman JO ANN EMERSON. Congresswoman EMERSON is a true champion for the hungry in this country. She's a friend who doesn't just talk about hunger, but is a leader in the effort to fight to end hunger in this country.

It's not an easy effort, and I know that she has to work to convince people around this country and in this very building that there are people who still go without food in this great Nation of ours. She's a shining example of someone who puts partisanship aside and works towards a goal that should be achievable.

So I want to thank Congresswoman EMERSON for her steadfast leadership on this issue and for introducing this important legislation.

I also want to thank Chairman WAXMAN and Ranking Member DAVIS and the other members of the Oversight and Government Reform Committee for their quick and thorough work on this bill.

Mr. Speaker, hunger is getting worse in America. More than 35.5 million people went hungry in the United States in 2006, an increase of more than 300,000 from 2005. There are many in Congress who talk about the booming economy and economic growth, but it is clear that millions of Americans are not benefiting from this so-called economic expansion.

The costs of living in America are rising. Energy costs are increasing, food prices continue to go up, and the housing crisis is straining the budgets of middle- and lower-income families. The reality is that many Americans are walking a fiscal tightrope where any economic change or family crisis, like an unexpected illness or job loss, could force people to go without food for a period of time.

That we are even talking about any person going hungry in the richest and most prosperous Nation in the world is an embarrassment, and we should all be ashamed for not doing more to combat hunger here at home.

H.R. 4220 is a good step in the fight against hunger. Unfortunately, it's not going to end hunger in America, but it will provide one more way to fight hunger.

As has already been described, the Federal Food Donation Act would require executive agencies who serve food on their premises to encourage the donation of excess food to nonprofit organizations. Such food rescue efforts can be particularly useful to the more than 43,000 soup kitchens and food pantries on the front lines battling hunger. The Oversight and Government Reform Committee broadened the scope of this bill, and I'm especially pleased the bill was expanded to include the Department of Defense.

The reality is that food costs are increasing; and America's food banks, the safety net of our anti-hunger system, is straining to meet this need. According to a new report released today by the U.S. Conference of Mayors, requests for food increased an average of 12 percent over the last year. Yet at the same time, a recent Washington Post article reports that the Capital Area Food Bank, the emergency food system for Washington, DC, had only 230,000 pounds of food on its shelves, down from 570,000 pounds at this time last year. Nationwide, food donations to food banks are expected to fall short of the need by 15 million pounds.

Mr. Speaker, we need to do more to address and ultimately end hunger in America. The Federal safety net developed over the years, the Food Stamp program, Meals on Wheels, school meals and the emergency food system, is working but it is strained. Private organizations like Catholic Charities and the Nation's food banks, just to name two examples, are filling the gaps where they can. It is time we commit to ending hunger once and for all. It's time that we dedicate the resources of our great Nation to ending this scourge. The Federal Food Donation Act is a good first step, and I'm pleased that the House is acting on it today.

Mr. Speaker, I insert into the RECORD at this point two articles documenting the shortage of food for the hungry in this country and one article announcing the U.S. Conference of Mayors report on hunger and homelessness.

[From Newsweek, Nov. 26, 2007]

BLESSED IS THE FULL PLATE

(By Anna Quindlen)

One of the most majestic dining rooms in New York City is in the Church of the Holy Apostles. After the landmark building was nearly destroyed by fire in 1990, the Episcopal parish made the decision not to replace the pews so that the nave could become a place of various uses. There are traditional Sunday services, of course, and the gay and lesbian synagogue on Friday evenings. And every weekday more than a thousand people eat lunch at round tables beneath 12-foot stained-glass windows and a priceless Dutch pipe organ.

''You can't get more Biblical than feeding the hungry:' says the Rev. William Greenlaw, the rector.

Holy Apostles has fed the hungry for 25 years now without missing a single weekday, including the morning after the fire, when the church lay in ruins, still smoldering, and 943 meals were served by candlelight. There's a queue on Ninth Avenue by midmorning;

sometimes tourists think there's a wait for some exclusive New York happening until they notice the shabby clothes, piles of shopping bags and unshaven faces that are the small unmistakable markers of poverty.

The poor could be forgiven for feeling somewhat poorer nowadays. The share of the nation's income going to the top 1 percent of its citizens is at its highest level since 1928, just before the big boom went bust. But poverty is not a subject that's been discussed much by the current administration, who were wild to bring freedom to the Iraqis but not bread to the South Bronx. ''Hunger is hard for us as a nation to admit,'' says Clyde Kuemmerle, who oversees the volunteers at Holy Apostles. ''That makes it hard to talk about and impossible to run on.''

At Holy Apostles the issue is measured in mouthfuls. Pasta, collard greens, bread, cling peaches. But in this anniversary year the storage shelves are less full, the pipeline less predictable. The worst emergency food shortage in years is plaguing charities from Maine to California, even while the number of those who need help grows. The director of City Harvest in New York, Jilly Stephens, has told her staff they have to find another million pounds of food over the next few months to make up the shortfall. ''Half as many pantry bags'' is the mantra heard now that the city receives half the amount of emergency food than it once did from the Feds. In Los Angeles 24 million pounds of food in 2002 became 15 million in 2006; in Oregon 13 million pounds dwindled to six. It's a cockamamie new math that denies the reality of hunger amid affluence.

There are many reasons why. An agriculture bill that would have increased aid and the food-stamp allotment has been knocking around Congress, where no one ever goes hungry. Donations from a federal program that buys excess crops from farmers and gives them to food banks has shrunk alarmingly. Even the environment and corporate efficiency have contributed to empty pantries: more farmers are producing corn for ethanol, and more companies have conquered quality control, cutting down on those irregular cans and battered boxes that once went to the needy.

What hasn't shrunk is the size of the human stomach. At lunchtime at Holy Apostles, Ernest is hungry, his hand bandaged because he got in a fight, even though he is sober now and has his own place in the Bronx. Janice is hungry, too, she of the beautiful manners and carefully knotted headscarf, who sleeps on the train on winter nights and walks with a cane since being hit by a car. There are the two veterans, both Marines, with the raddled faces and slightly unfocused eyes of those who sleep outdoors, which means mostly always being half-awake, and that group of Chinese women who don't speak English, and the Muslim couple who sit alone. Mostly it's single men at Holy Apostles. Some are mentally ill, and some are addicts, and to repair their lives would take a lot of help. But at the moment they have an immediate problem with an immediate answer: pasta, collard greens, bread, cling peaches.

This place is a blessing, and an outrage. ''We call these people our guests,'' says the rector. ''They are the children of God.'' That's real God talk. The political arena has been lousy with the talk-show variety in recent years: worrying about whether children could pray in school instead of whether they'd eaten before they got there, obsessing about the beginning of life instead of the end of poverty, concerned with private behavior instead of public generosity.

There's a miracle in which an enormous crowd comes to hear Jesus and he feeds them all by turning a bit of bread and fish into enough to serve the multitudes. The truth is that America is so rich that political leaders could actually produce some variant of that miracle if they had the will. And, I suppose, if they thought there were votes in it. Enough with the pious sanctimony about gay marriage and abortion. If elected officials want to bring God talk into public life, let it be the bedrock stuff, about charity and mercy and the least of our brethren. Instead of the performance art of the presidential debate, the candidates should come to Holy Apostles and do what good people, people of faith, do there every day—feed the hungry, comfort the weary, soothe the afflicted. And wipe down the tables after each seating. Here's a prayer for every politician: pasta, collard greens, bread, cling peaches. Amen.

[From the Washington Post, Dec. 8, 2007]

CUPBOARDS ARE BARE AT FOOD BANKS

(By Philip Rucker)

Area food banks are experiencing a critical shortage of supplies as donations drop dramatically and as demand for free and discounted food continues to soar.

The Capital Area Food Bank, the region's primary distribution center, reported that it had about 230,000 pounds of goods on its shelves this week, down from 570,000 pounds at this time last year, officials said.

The short supplies, which are hitting food banks and soup kitchens across the nation, stem from a combination of factors: Federal supplies of excess farm goods have dropped, in part because of the summer drought and because farmers are selling more of their products internationally. Donations from grocery stores, a major source for food banks, have fallen as supermarket chains consolidate, increase efficiency and tighten inventory controls.

Overall this year, the Capital Area Food Bank is projecting totals to fall roughly 6 percent below last year's total of 19.5 million pounds. The situation has been particularly bad in recent weeks, officials said. At the Northeast Washington warehouse earlier this week, some refrigerated shelves, usually stacked with produce and meats, stood empty.

''We're getting a lot less food donated from companies and individuals,'' operations director Christopher Leal said. ''We have really nothing.''

At the same time, economic factors have conspired to force many more people toward the brink of hunger. Calls to the food bank's Hunger Lifeline are up about 37 percent from last year.

And it's not just in the District. The Manna Food Center in Montgomery County served more than 2,200 families last month, about 200 more than the previous November. In Fairfax County, Reston Interfaith's food service has doubled over the past three years.

''Good, working people are having a harder time making ends meet,'' said Kerrie Wilson, executive director of Reston Interfaith. ''So far, we've not had to turn folks away, but we have limited the number of times we'll help someone. . . . You do less for more.''

America's Second Harvest, the country's leading hunger-relief charity, is projecting a shortage of 15 million pounds of food this year at its more than 200 network food banks. That would be enough food to serve 11.7 million meals or fill 400 trucks.

At food banks from Maine to Florida to California, ''demand is up, and food is flying out the door faster than ever,'' spokesman Ross Fraser said.

''Our inventories are as depleted as they've ever been before,'' Fraser said. ''Our food banks keep calling here saying, 'My God, you've got to help us. We desperately need help.' ''

Edward Cooney, who has been an anti-hunger activist since 1972, said he has never seen food supplies dwindling and demand rising the way they are now.

''I've been in a few food banks, and I've looked at the shelves,'' said Cooney, executive director of the Washington-based Congressional Hunger Center. ''You just see huge warehouses where you see empty shelves. Ain't nothing there.''

About 85 percent of food donations to the Capital Area Food Bank come from corporations, including grocery chains, chief operating officer Brian Smith said.

Just 4 percent are from individuals, and 11 percent are from the federal government.

Improvements in inventory controls and store-ordering procedures among supermarket chains have limited the supplies donated to food banks.

''Food retailers are in business to sell food and not to have a lot of discarded food,'' said Giant spokesman Barry F. Scher, who is also vice chairman of the food bank's board of directors.

Although the quantity of food that Giant donates has dropped, Scher said, proceeds from in-store campaigns in which customers give money for the hungry are increasing. And the Landover-based chain will continue to donate food to charities, he said.

The shortage is exacerbated by a decline in federal assistance. For years, food banks have relied on the U.S. Department of Agriculture's bonus commodity program, which buys surplus crops such as peaches and cranberries, as well as livestock such as turkeys, ducks and bison, from domestic farmers.

But the amounts of bonus commodities have dropped. Five years ago, the department bought more than $200 million worth of surplus products. In 2005, that figure fell to $154 million. This year, the agency is projecting $58 million.

''The reason that they're down, obviously, is that the farm market is doing very well,'' said Nancy M. Johner, undersecretary for food, nutrition and consumer services.

Johner said farmers are selling more of their products internationally. That trend, coupled with a severe drought that affected much of the country this year, has left farmers with relatively few surplus crops, she said.

This is difficult news for food pantries and soup kitchens in the Washington region, where the Capital Area Food Bank estimates that more than 600,000 residents are at risk of hunger.

Bread for the City, one of the District's largest pantries, has served about 2,000 more families this year than in 2006, executive director George Jones said.

''It's a big jump,'' he said. ''A lot of these families are people that have some resources, are housed, and use our resources to augment their incomes. They really are living on the edge.''

With gasoline prices and utility rates rising and the economy softening amid a mortgage crisis, many of the region's working families are struggling to pay their bills and are seeking help at food banks and soup kitchens.

Bertina Fox used to donate clothing to Bread for the City. The 29-year-old from Northwest Washington said she never imagined she would someday come asking for food. But when she quit her job at an AIDS clinic earlier this year, she began coming to Bread for the City each month for a basket of fish and vegetables, as well as frozen pizzas and chicken nuggets for her 5-year-old son.

''When I fell on hard times, I knew of the services there,'' she said. ''A lot of people can't make it day to day without them. I'm certainly one of those people.''

Fox was to start a new job at an area hospital yesterday. Once back on her feet, Fox said, she hopes to start donating to the center again.

[From USA TODAY, Dec. 17, 2007]

MORE FAMILIES SEEK AID

(By Wendy Koth)

More people are requesting emergency food aid and more homeless families with children are seeking shelter, concludes a 23-city survey released Monday by the U.S. Conference of Mayors.

Four of five cities say requests for food aid rose an average of 12% from the previous year, according to the survey for the period covering November 2006 through October 2007. Most cities had reported a jump in such requests the prior year as well.

Ten of 14 cities with data on homeless families say more families with children sought emergency shelter and transitional housing. About half of the cities say their overall homeless problem increased. Collectively, the cities report giving shelter to 193,183 people.

''We're heading in the wrong direction because of poverty, unemployment and housing costs,'' says Trenton Mayor Douglas Palmer, president of the mayors conference. He added that the full effects of record mortgage foreclosures have yet to be seen. The report does cite some progress. Of 11 cities with data on homeless adults seeking shelter, five—Louisville; Nashville; Philadelphia; Portland, Ore., and Seattle—report a decline. Also, the length of stays in shelters and transitional housing for single adults and families shortened.

Last month, the federal government reported a 12% decline in the number of chronically homeless adults who live on the streets or in emergency shelters. The number fell to 155,623 in January 2006 from 175,914 in January 2005, according to the Department of Housing and Urban Development.

HUD Secretary Alphonso Jackson says the numbers ''show remarkable progress is being made.'' He attributed the decline to better reporting and more local and federal resources for permanent housing, health care and other services.

Des Moines Mayor Frank Cownie takes little comfort in HUD's numbers.

He says chronically homeless adults account for only 10% of all homeless people. ''There are still more people needing help.''

The mayors' report is limited because it surveys only 23 cities, each of which collects data differently, says Mark Nord, lead author of an annual food security report by the U.S. Department of Agriculture.

The USDA's most recent report, released last month, says 4% of households lacked adequate access to food in 2006, about the same as in 2005.

It also found, however, that the number of households obtaining food from community providers rose 26% from 2001 to 2006, and the number of households having the least access to food rose 32%, or 1.3 million, during that time. USDA data do not include the homeless.

Most of the 205 food banks that belong to America's Second Harvest, the nation's largest hunger-relief group, say demand has risen at least 20% this year, according to group spokesman Ross Fraser.

''Even in places like New Hampshire, which you wouldn't think of as needy, the demand is way up,'' Fraser says. He says financial contributions have held steady but food donations, including those from the USDA, have fallen. At this rate, he says, food banks will fall nearly 12 million meals short this year.

CITIES REPORT RISING DEMAND FOR FOOD AND SHELTER

[Findings from November 2006–October 2007]

City	Demand for emergency food aid	Number of homeless people served	Demand for emergency shelter or transitional housing
Boston	increased	6,636	increased
Charleston, S.C.	NA	1,658	NA
Charlotte	increased	9,498	NA
Chicago	increased	NA	NA
Cleveland	same	13,103	NA
Denver	increased	71,480	NA
Des Moines	increased	6,068	increased
Detroit	increased	4,738	NA
Kansas City	NA	2,509	increased
Los Angeles	increased	7,960	NA
Louisville	increased	10,933	decreased
Miami	increased	1,100	NA
Nashville	increased	11,213	decreased
Philadelphia	increased	13,335	decreased
Phoenix	increased	NA	NA
Portland, Ore.	decreased	3,189	decreased
Providence	increased	2,819	increased
Salt Lake City	increased	4,230	increased
San Francisco	increased	9,791	NA
Santa Monica, Calif.	increased	924	NA
Seattle	same	4,360	decreased
St. Paul	NA	5,083	increased
Trenton, N.J.	same	2,459	NA

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

Mr. Speaker, I rise in strong support and join with my colleagues in supporting and sponsoring the gentlelady from Missouri's bill, H.R. 4220, the Federal Food Donation Act of 2007.

As Mrs. EMERSON said so well, the effort to aid nonprofit organizations to serve the hungry will be advanced by this bill and its amendment to the Federal acquisition regulations and to encourage Federal agencies and contractors to donate excessive foods to food pantries, food shelters, and homes for the homeless.

This bill also seeks to protect agencies and contractors from civil or criminal liabilities associated with these types of donations. It is sad but true in this country that often good deeds go punished as a result of the advent of those who would profit by suing over the good deeds of others. This bill tries to balance those two to encourage the good deeds of others and to shelter them from the type of adverse behavior that might cause people to throw away food rather than give it to the poor.

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

Ms. NORTON. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentlelady from Missouri for her sponsorship and authorship of this important legislation.

I do want to say that the names of Mickey Leland, Bill Emerson, Tony Hall, I think, stand out in terms of what we did years ago, Mr. Speaker; that perhaps maybe this Congress needs to reestablish a select committee on hunger like we did years ago when it was chaired by Mr. Mickey Leland from Texas and also the gentleman from Missouri, Mr. Bill Emerson, and also the gentleman from Ohio, Mr. Tony Hall.

I believe that as a member of the committee at that time we were very, very much into the concerns that were expressed quite eloquently by my good friend, the gentleman from Massachusetts, the problems that we're dealing with and the subject of hunger.

I think we are moving in the right direction, and I just wanted to note, Mr. Speaker, that this issue of hunger really needs to be addressed seriously. And I want to commend the gentlelady from Missouri for her efforts, not only in continuing the legacy of her husband but the fact that this is a very serious issue, and I wish that perhaps my colleagues and the leadership of the House will reestablish that select committee on hunger like we did years ago so that we will not forget. We're moving in the right direction. We need to do more for the needy and for the poor.

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

Ms. NORTON. Mr. Speaker, years ago, nonprofits, mostly churches, fed people at Christmas and Thanksgiving. These nonprofits have become life-saving, year-round operations. What has occurred ironically over the past couple of years is a development that none of us anticipated, a shortage of food in

these food banks of whatever description, and they come in part because of the efficiency of the food industry itself.

The food industry itself has become increasingly, like many other industries in our country, increasingly efficient so that there is less food to give away. We greet and welcome that efficiency, and we understand the need for it, especially in the food industry where the profit margins are so narrow. At the same time, our agricultural industry has become increasingly efficient, and it is, of course, one of the most efficient industries in the country.

The net effect of this is some food goes abroad. Very importantly is that there is less food that is excess food to give away, so that you have nonprofits throughout the country, some of them have been cited in the remarks of my colleagues because they are well known as having originated here, like the Capital Food Bank; Bread for the City; SOME, So Others May Eat; and not to mention the churches which were the first to step up and perform this service.

We just have got to find a way to get what we know is excess food, that all of us understand, have seen, all of us know exists, to where that food is most needed; and I believe that of the many things we could do, the bill offered by Mrs. EMERSON is certainly one way to begin to draw attention to what contractors may do as an act of goodwill, without incurring any burden on themselves. Indeed, it should be a great burden at a time like this to spoil or throw away any food.

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 the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 4220, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LOCAL PREPAREDNESS ACQUISITION ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3179) to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3179

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 ''Local Preparedness Acquisition Act''.

SEC. 2. AUTHORIZATION FOR ACQUISITION OF LAW ENFORCEMENT, SECURITY, AND CERTAIN OTHER RELATED ITEMS BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES.

Paragraph (1) of section 502(c) of title 40, United States Code, is amended—

(1) by striking ''for automated'' and inserting the following: ''for the following:

''(A) Automated''; and

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

''(B) Alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply classification code group 84 or any amended or subsequent version of that Federal supply classification group).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure and on S. 2174.

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

There was no objection.

Ms. NORTON. Mr. Speaker, H.R. 3179, sponsored by Chairman ED TOWNS, would permit State and local governments to purchase homeland security and public safety equipment from the Federal supply schedules maintained by the General Services Administration.

Opening the Federal supply schedules to State and local governments has bipartisan support. In past years, contract schedules have been opened up for information technology and goods and services needed to respond or prevent terrorism to State and local governments.

State and local governments should be able to enjoy the price and convenience advantages that the schedules provide. I commend my colleague for his leadership and urge Members to support this bill.

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

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

Mr. Speaker, I rise today in strong support of H.R. 3179, the Local Preparedness Acquisition Act. Mr. TOWNS and the entire Committee on Oversight and Government Reform recognized that the GSA schedule is more than just a list of things that can be bought at a given price. It is, in fact, the Good Housekeeping Seal of Approval.

GSA goes to great lengths to ensure that products are appropriate for purchase and that they are a good value. Leveraging that capability and the Federal money already spent to allow States and local governments to participate in this acquisition serves two good purposes. It increases the value of seeking a GSA schedule, and in fact, it saves money and overhead for State and local agencies.

I join with my colleague from the District of Columbia and Mr. TOWNS in asking for the swift passage of this bill.

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

Ms. NORTON. Mr. Speaker, I'm pleased to yield such time as he may consume to my good friend, the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, I want to thank the gentlelady from the District of Columbia for her friendship and thank her for yielding me this time.

Mr. Speaker, I come to the floor today to offer my support for H.R. 3179, the matter that has been introduced by Mr. TOWNS of New York, which is entitled the Local Preparedness Acquisition Act. This is a fine piece of legislation, and I urge our colleagues to vote ''yes'' on this matter.

□ 1345

Ms. NORTON. Mr. Speaker, one word more on this resolution introduced by Mr. TOWNS. I am Chair of the subcommittee with jurisdiction over GSA and, of course, its schedule. Perhaps the average person would believe that States would be in the same position as the United States Government because they buy a great deal of goods and services and the same kinds of costs and scale and efficiency which comes with ordering large amounts at the same time would come to States as well. That's not always the case, and even if it is, there is no State as large or that orders as much as the United States of America. And it does seem to me altogether appropriate that States and localities have the same access to the GSA schedule as the United States and its agencies have.

This ability to use the schedule on which firms have precompeted so as to guarantee the best value hastens what can be an arduous period of competition. In my own district, I see that in an effort to make sure that a competition has properly occurred, there can often be many delays. We cannot, of course, in some respects get around those inherent delays, but with respect to many goods and services that are on the GSA schedule, if the efficiencies that we are able to provide for the government can also be provided to States and localities, the United States and the States together will be in better shape saving taxpayers money.

Therefore, I strongly support this bill and ask other Members of the House to do so as well.

Mr. TOWNS. Mr. Speaker, I rise to support H.R. 3179, the Local Preparedness Acquisition Act. This is a bipartisan, good government bill that will permit state apd local governments to purchase homeland security and public safety equipment using General Services Administration contract schedules.

H.R. 3179 has the support of many state and local governments and the National Association of Counties. It will make it easier for

local officials to purchase the items they need to improve safety in their communities, while saving money at the same time.

The GSA Schedules are catalogues of more than 4 million commercial goods and services currently available to federal agencies at negotiated discount prices. Since 2002, Congress has enacted ''cooperative purchasing'' legislation that authorized state and local governments to purchase IT equipment and disaster recovery items from GSA schedules.

This bill further expands that authority to purchase items such as bomb detection equipment, perimeter security systems, and other homeland security goods and services from GSA Schedule 84.

It is important to note that this bill imposes no federal mandate and requires no new spending. Participation in the cooperative purchasing program is voluntary for both state and local governments and vendors. The analysis prepared by the Congressional Budget Office indicates that the bill has no net impact on federal spending and is the opposite of an unfunded mandate—in fact, it is a benefit to state and local governments.

This bill was developed jointly with the ranking member of the Government Management Subcommittee, Mr. BILBRAY. I thank him for his contribution to this legislation.

I urge all my colleagues to support H.R. 3179.

Mr. BILBRAY. Mr. Speaker, thank you for the opportunity to speak in favor of H.R. 3179, the Local Preparedness Acquisition Act. I am pleased to serve as the original cosponsor of this legislation. I also want thank Congressman TOWNS for his leadership in sponsoring and advancing this important idea.

H.R. 3179 will allow State and local governments to purchase homeland security products and services at more reasonable prices by providing them access to the General Services Administration schedules. Following the attacks on September 11, our local and State governments have taken on more responsibility for emergency preparedness and homeland security. With this added responsibility, these local governments need to purchase a wider array of goods and services.

Under this legislation, these localities will be able to purchase many products such as access control and perimeter security systems, fire detection and suppression equipment, firefighting clothing and marine craft from the GSA schedules. With this option, the cost of many of these products will be less than the cost of purchasing them from State-approved purchasing lists or the open marketplace, saving these local governments valuable tax dollars.

Importantly, this legislation does not impose any requirements on States and localities to utilize the GSA schedules, instead offering an additional voluntary purchasing method.

This legislation has strong bipartisan support and was passed out of the Oversight and Government Reform Committee by voice vote. Additionally, it has gained the endorsement of the National Association of Counties and many other outside organizations.

Mr. Speaker, thank you for the opportunity to speak in favor of this bill. I urge my colleagues to support this commonsense legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3179, the Local Preparedness Acquisition Act, introduced by my distinguished colleague from New York, Representative TOWNS. This important legislation amends title 40 of the United States Code to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

In the post-September 11 era, with the advances in technology, communication and transportation, the likelihood of a situation escalating from an emergency to a disaster to a catastrophe has increased. This Nation is dependent upon the services of its first responders, and as such we cannot shirk responsibility for their well being when we put them in harm's way. Since the catastrophe of September 11, 2001, the need to anticipate and provide necessary resources to our emergency workers has been brought to Federal attention.

The Federal Government has a responsibility to plan ahead and develop a strategy of what will occur should a catastrophic event ever take place. As can be seen with the World Trade Center Worker and Volunteer Medical Monitoring Program, which was established in 2004 by the National Institute for Occupational Safety and Health, it has been insecure in its funding since its inception and is estimated to be out of outpatient awards by the end of FY 2007. This type of haphazard funding and insecurity about the program's future is not what our first responders risked their lives for.

In order to enact any meaningful change, we must understand and identify the unique situations that face our first responders and then try to address any preventative preemptive actions that are possible. This includes Federal inquiry into the recognition and management of mental health defects, plans for short- and long-term health monitoring, quality of personal protective equipment, proposed research or lack thereof, and the national response plan. The necessity of inquiry into and improvement and solidification of these issues cannot be overstressed in looking to the future and how our Nation will deal with caring for the first responders during a disaster.

Mr. Speaker, as we witnessed in the aftermath of the terrorist attacks of September 11, 2001 and Hurricanes Rita and Katrina, our Nation's first responders were not prepared for the realities of the catastrophes they faced. We can ensure future safety and protection of our first responders by making sure their personal protective equipment is sufficient to handle any future risks. It is our obligation to make sure the funds for the proper equipment is being received through Federal grant programs so that in the case of a catastrophe, they will be able to safely respond to hazardous materials, biological agents, and other harmful materials.

This legislation is important because it amends title 40 of the United States Code to provide necessary equipment to our Nation's first responders. In the wake of the tragedies of September 11 and Hurricanes Katrina and Rita, the necessity for the provision of appropriate technologies, including interoperable communications and the availability of emergency equipment, became painfully apparent. This legislation calls for the availability and provision of alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services. By amending title 40 of the United States Code, this legislation is an important step towards ensuring that America's first responders are adequately prepared for any situation that may arise.

Mr. Speaker, I support the passage of H.R. 3179 and call on my colleagues to do likewise because I strongly believe that it will strengthen our Nation's efforts to confront the disasters.

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

The SPEAKER pro tempore (Mr. CARDOZA). The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3179.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

CORRECTING THE ENROLLMENT OF H.R. 1593, SECOND CHANCE ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 270) to make corrections in the enrollment of the bill H.R. 1593.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 270

Resolved by the House of Representatives (the Senate concurring) That, in the enrollment of the bill H.R. 1593, the Clerk of the House of Representatives shall make the following corrections (with page and line numbers referring to the page and line numbers of the bill as engrossed in the House):

(1) Page 17, strike line 21 through page 18, line 23 and insert the following:

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant.

''(B) IN-KIND CONTRIBUTIONS.—

''(i) IN GENERAL.—Subject to clause (ii), the recipient of a grant under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

''(ii) MAXIMUM PERCENTAGE.—Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under subparagraph (A) may be provided through in-kind contributions under clause (i).

(2) Page 37, strike line 22 through page 38, line 4 and insert the following:

''(e) FEDERAL SHARE.—

''(1) MATCHING REQUIREMENT.—The Federal share of a grant under this section may not exceed 50 percent of the program funded under such grant.

''(2) IN-KIND CONTRIBUTIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

''(B) MAXIMUM PERCENTAGE.—Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under paragraph (1) may be provided through in-kind contributions under subparagraph (A).

''(3) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

(3) Page 43, strike lines 19 through 24 and insert the following:

''SEC. 2904. FEDERAL SHARE.

''(a) MATCHING REQUIREMENT.—The Federal share of a grant under this part may not exceed 50 percent of the total costs of the qualified drug treatment program funded under such grant.

''(b) IN-KIND CONTRIBUTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the recipient of a grant under this part may meet the matching requirement under subsection (a) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

''(2) MAXIMUM PERCENTAGE.—Not more than 50 percent of the amount provided by a recipient of a grant under this part to meet the matching requirement under subsection (a) may be provided through in-kind contributions under paragraph (1).

(4) Page 80, after line 4 insert the following:

(C) WAIVER.—The Attorney General is authorized to waive the requirements of section 3624 of title 18, United States Code, as necessary to provide for the release of some or all eligible elderly offenders from the Bureau of Prisons facility to home detention for the purposes of the pilot program under this subsection.

(5) Page 80, line 18, strike ''a Bureau of Prisons facility'' and insert ''at least one Bureau of Prisons facility''.

(6) Page 81, strike line 11 through page 83, line 12 and insert the following:

(A) ELIGIBLE ELDERLY OFFENDER.—The term ''eligible elderly offender'' means an offender in the custody of the Bureau of Prisons—

(i) who is not less than 65 years of age;

(ii) who is serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code, and has served the greater of 10 years or 75 percent of the term of imprisonment to which the offender was sentenced;

(iii) who has not been convicted in the past of any Federal or State crime of violence, sex offense, or other offense described in clause (ii);

(iv) who has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence, or of engaging in conduct constituting a sex offense or other offense described in clause (ii);

(v) who has not escaped, or attempted to escape, from a Bureau of Prisons institution;

(vi) with respect to whom the Bureau of Prisons has determined that release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and

(vii) who has been determined by the Bureau of Prisons to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention.

(7) Page 84, line 25, strike ''section 231'' and insert ''this section''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this concurrent resolution.

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

There was no objection.

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

Mr. Speaker and Members of the House, this concurrent resolution makes technical and conforming changes to the Second Chance Act, H.R. 1593, to expedite its proper enrollment. The House passed the Second Chance Act in November on suspension by a vote of 347–62. May I note for the RECORD that this is the 10th year during three Congresses that this legislation has been worked on, debated, had witnesses, been voted on; and now we come here today to make some technical changes and, with our holiday wishes, send this measure on its way.

The Second Chance Act strengthens overall crime-fighting efforts by helping give ex-offenders tools for staying out of trouble, support for job skills, stable living arrangements, substance abuse treatment, health services, and other very basic resources to successfully rejoin society and lead productive and law-abiding lives. It enjoys, clearly, wide bipartisan support.

This concurrent resolution expedites the process of finalizing the bill and sending it to the President in this session of Congress by making a few corrections brought to our attention after the bill passed the House last month, such as standardizing certain criteria in the process for three different kinds of grants and clarifying eligibility for a prison pilot program.

It is a good measure. The corrections here are technical only. And I am proud to bring it to the attention of my colleagues for passage as urgently as possible.

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

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

I would like to start out by thanking Chairman CONYERS, who has worked extraordinarily hard for a very long period of time, as he pointed out, on this bill; and also Mr. DANNY DAVIS, who has been a real brick and worked very hard on this.

I rise in support of this concurrent resolution making corrections to H.R. 1593, the Second Chance Act of 2007.

On November 13, 2007, the House passed the Second Chance Act of 2007. This resolution makes technical changes in three sections of the bill.

First, the resolution modifies sections 111 and 112 to require that States pay no less than 50 percent of grant funds to establish reentry courts and the Prosecution Drug Treatment Alternative program.

Second, the resolution eliminates in section 231(g) the technical requirement that eligible elderly prisoners who qualify for early release also satisfy the existing law for the compassionate release program.

I urge my colleagues to support this resolution.

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

Mr. CONYERS. I thank my good friend, a ranking member in the Judiciary Committee, for his important work on this measure.

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 Michigan (Mr. CONYERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 270.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE MARINE CORPS ON THE ANNIVERSARY OF ITS FOUNDING ON NOVEMBER 10, 1775

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 246) honoring the United States Marine Corps for serving and defending the United States on the anniversary of its founding on November 10, 1775.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 246

Whereas, on November 10, 1775, the Second Continental Congress meeting in Philadelphia passed a resolution stating that ''two Battalions of Marines be raised'' for service as landing forces with the fleet;

Whereas this resolution establishing the Continental Marines marked the birth date of the United States Marine Corps;

Whereas these first Marines distinguished themselves in a number of important operations, including their first amphibious raid into the Bahamas in March 1776, under the

command of Captain Samuel Nicholas, who became the first commissioned officer in the Continental Marines and is considered to be the first Marine Commandant;

Whereas following the Revolutionary War and the formal re-establishment of the Marine Corps on July 11, 1798, Marines saw action in the quasi-war with France, landed in Santo Domingo, and took part in many operations against the Barbary pirates along the ''Shores of Tripoli'';

Whereas Marines took part in numerous naval operations during the War of 1812, as well as participating in the defense of Washington and fought alongside Andrew Jackson in the defeat of the British at New Orleans;

Whereas the Marines seized enemy seaports on both the Gulf and Pacific coasts during the Mexican War;

Whereas a battalion of Marines joined General Winfield Scott's army at Pueblo and fought to the ''Halls of Montezuma'', Mexico City;

Whereas Marines preserved the Union both ashore and afloat during the U.S. Civil War at Bull Run, Cape Hatteras, New Orleans, Charleston, and Fort Fisher;

Whereas the Marines fought gallantly in Cuba, Puerto Rico, Guam, and the Philippines during the Spanish-American War;

Whereas the Marines saw active service in the Philippine Insurrection, the Boxer Rebellion and in Nicaragua, Panama, Cuba, Mexico, and Haiti during the early 1900s;

Whereas more than 30,000 Marines served in World War I and distinguished themselves on the battlefields of France and Belgium at Belleau Wood, Soissons, St. Michiel, Blanc Mont, and in the Meuse-Argonne offensive;

Whereas Marine aviation also supported the war effort in the skies over Europe;

Whereas 485,113 Marines served during World War II in Guadalcanal, Bougainville, Tarawa, New Britain, Kwajalein, Eniwetok, Saipan, Guam, Tinian, Peleliu, Iwo Jima, and Okinawa and lost 87,000 killed and wounded;

Whereas the Marines served honorably at Inchon and Seoul and the Chosin Reservoir in operations defending South Korea from 1950 to 1955;

Whereas Marines have served in the defense of freedom and peace in Lebanon in 1955;

Whereas the Marine Corps protected and evacuated Americans from the Dominican Republic in 1965;

Whereas the Marine Corps suffered 13,000 killed and more than 88,000 wounded in Vietnam;

Whereas the Marines have protected dignitaries and embassies throughout the world like the Embassy in Beirut in 1982;

Whereas the Marine Corps intervened in Granada and Panama in the 1980s to protect American lives and restore the democratic processes;

Whereas the Marine Corps sent 24 infantry battalions, 40 squadrons, and 92,000 Marines to defend Kuwait and Saudi Arabia during Operation Desert Shield and Operation Desert Storm;

Whereas the Marine Corps also engaged in non-combatant evacuation operations in Liberia and Somalia during Desert Storm;

Whereas the Marine Corps participated in humanitarian lifesaving operations in Bangladesh, the Philippines, and Northern Iraq during Desert Storm;

Whereas the Marine Corps served in Somalia on humanitarian relief operations from 1992 to 1994;

Whereas the Marine Corps supported Operation Deny Flight in the no-fly zone over Bosnia-Herzegovina;

Whereas the Marines were called on to evacuate U.S. citizens from Rwanda in 1994;

Whereas the Marine Corps engaged in democracy restoration efforts in Haiti in 1994;

Whereas the Marine Corps has deployed to several African nations, including Liberia, the Central African Republic, Zaire, and Eritrea to provide security and assist in the evacuation of American citizens during periods of political and civil instability in those nations;

Whereas the Marine Corps has engaged in humanitarian and disaster relief operations in Kenya, Honduras, Nicaragua, El Salvador, and Guatemala;

Whereas Marine units deployed to Kosovo in support of Operation Allied Force;

Whereas the Marine Corps has played a pivotal role in Operation Enduring Freedom, toppling the Taliban and dismantling the Al Qaeda terrorist network;

Whereas 76,000 Marines have deployed to combat operations in Iraq;

Whereas Marines have earned the Navy Cross 17 times, the Silver Star 74 times, the Bronze Star 1,896 times, the Bronze Star with ''V'' 866 times, and the Purple Heart 7,720 times during Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas Marines have earned the Medal of Honor 298 times, the Navy Cross 2,168 times, and the Distinguished Service Cross 417 times;

Whereas the Marine Corps continues to serve in harm's way around the world;

Whereas Marine Corps Special Operators have served with honor and distinction around the world since their activation in 2006;

Whereas the Marine Corps has fought for freedom, preserved democracy, and protected Americans and their interests on every continent around the world;

Whereas the Marine Corps is the most versatile and elite, integrated fighting force; and

Whereas the United States Marine Corps and its Marines have served the United States, its people, its allies, and all free people of the world for 232 years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress remembers, honors and commends the achievements of the United States Marine Corps in serving and defending the United States on the 232nd anniversary of the creation of the Marines.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

□ 1400

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first start out by thanking my distinguished colleague on the Armed Services Committee, ROBIN HAYES, for his work on this bill and his continued support for the Marine Corps. I would also like to thank Debra Wada and Joe Hicken from the committee staff for their work to bring this to the floor.

Mr. Speaker, this year, the United States Marine Corps celebrated 232 years of devoted service. This year's celebration, like those of years before, commemorates generations of service to our country and reminds us of their commitment to our freedom and their selflessness. This is an enduring trait of their past, present and future.

As soldiers, our marines have fought valiantly to protect democracy and human liberty when those essential freedoms were threatened around the world. In our most dire times, the Marine Corps stepped to the forefront in places like Guadalcanal, Iwo Jima, Okinawa and Guam. For those from that generation who are still with us, this resolution celebrates you.

As peacekeepers, our marines have stood between rebels and refugees, providing safe haven and aid in the Balkans and to nations in Africa, South America, Southeast Asia, and the Middle East. To those brave marines, this resolution is for you.

As preservists of democracy, marines have protected U.S. and foreign diplomats as they sought to restore peace and stability to war-torn nations. In places like Beirut, they often paid the ultimate price. This resolution is for them.

As liberators, Marines were the first conventional U.S. ground forces in Afghanistan, toppling the Taliban government that sheltered al Qaeda and were complicit in the attacks of September 11. Our Marine Corps has lost 40 men and women during Operation Enduring Freedom. This resolution honors them.

As heroes, marines have earned the Medal of Honor 298 times, the Distinguished Service Cross 417 times, and the Navy Cross 2,168 times. But they don't do it for the medals or the ribbons. They do it for the people of the United States. To the more than 219,000 marines in the active duty and Reserves, this resolution is for you. Thank you for your service to our country.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank Representative CAROL SHEA-PORTER for introducing this resolution and my colleagues, led by Representative ROBIN HAYES, on the Armed Services Committee, for bringing it to the floor for our consideration.

As a proud co-sponsor, I am honored to have this opportunity to celebrate the United States Marine Corps and recognize their 232 years of service to our Nation.

On November 10, 1775, the Second Continental Congress passed a resolution that called for two battalions of

marines to be raised for use as naval infantrymen. From that day forward, marines have defended this Nation in every American military conflict. They first saw combat in the Bahamas in 1776 under the leadership of Captain Samuel Nicholas, the officer who is considered by most to be the first marine commandant.

Though the Marines were disbanded following the Revolutionary War, they were reestablished on July 11, 1798, and from that day forward have protected and defended Americans and our allies around the world. From Europe to the Philippines, South America to Asia, and the Middle East, marines have fought in every corner of the world.

In addition to traditional military duties, marines protect our embassies and dignitaries around the world. They have served in a humanitarian capacity bringing relief and aid to citizens of other nations as well.

In the global war on terrorism, 76,000 marines have been deployed to Iraq to help establish peace, root out insurgent remnants and al Qaeda terrorists, and bring stability to that young democracy. I am grateful for my son, a naval doctor, who is working with the marines in Iraq today.

As part of Operation Enduring Freedom in Afghanistan, marines have helped topple the repressive Taliban regime and dismantle the al Qaeda network. For their service on these two fronts of the global war on terrorism, marines have been decorated with thousands of honors and medals. These decorations include 7,720 Purple Hearts for wounds suffered during combat, and 866 Bronze Stars with ''V'' for exceptional valor in a combat situation.

Since the inception of the United States Marine Corps, 298 marines have earned the Congressional Medal of Honor, our Nation's highest military honor. On a personal note, the Second District of South Carolina, which I have the honor of representing, is home to Marine Corps Air Station Beaufort and Parris Island. All marine recruits east of the Mississippi River go through Parris Island.

Marines are the most elite fighting force in our military. Their reputation for professionalism and selfless duty has earned them the thanks of a grateful Nation and the appreciation of millions around the world over two centuries of service and sacrifice. My late father-in-law, Major Julian Dusenbury, and my late brother-in-law, Captain Tim Dusenbury, were proud marines, and our family especially appreciates the service of the Marine Corps.

On behalf of my colleagues in the House of Representatives and the American people, I want to thank the tireless men and women of the United States Marine Corps for their service and sacrifice. Each and every day they are working to protect our Nation and our allies around the world.

I encourage all my colleagues to join me in supporting and expressing our most humble appreciation for the few, the proud, the Marines.

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

Ms. SHEA-PORTER. At this time, I have no further requests for time, and I reserve the balance of my time.

Mr. WILSON of South Carolina. Having no further speakers, I would like to make one further statement.

Mr. Speaker, I had the opportunity, 2 years ago, of visiting in Muzaffarabad, Pakistan, where the Marine Corps ably served to assist the people of Pakistan in their recovery from the horrific incidents of the earthquake. And it was so reassuring to visit and see the hospital that they set up, with female doctors, due to the cultural concerns of the people in that region. It had just an extraordinary impact.

I had the privilege of meeting with President Musharraf, who indicated that at that time the most famous toy, the most appreciated toy, in all of Pakistan was the Chinook helicopter, representing the deep affection of the people of Pakistan for the Marine Corps and their service.

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

Ms. SHEA-PORTER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 246.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING UNCONDITIONAL SUPPORT FOR MEMBERS OF THE NATIONAL GUARD

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 542) expressing the unconditional support of the House of Representatives for the members of the National Guard, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 542

Whereas the National Guard has made tremendous contributions in support of United States military operations around the world;

Whereas, between September 11, 2001, and September 30, 2007, 329,982 members of the National Guard have been mobilized to support numerous military operations;

Whereas members of the National Guard typically leave other employment to serve on active duty in the Armed Forces;

Whereas the National Guard has responded admirably in times of domestic emergencies to lead rescue and recovery efforts; and

Whereas many members of the National Guard have made the ultimate sacrifice, giving their lives in service to the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) unconditionally supports the members of the National Guard;

(2) recognizes the tremendous sacrifices made by members of the National Guard on behalf of the United States;

(3) will work to ensure that the National Guard receives the resources it needs; and

(4) will support the families of members of the National Guard, especially those who have died while serving on active duty.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Ms. SHEA-PORTER. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the National Guard and in celebration of their 371 years of service. I would like to thank my colleague from Florida, GINNY BROWN-WAITE, for bringing this measure to the floor.

In my State of New Hampshire, the first citizen militia formed in 1623 with the settlement of Portsmouth. In 1679, the New Hampshire National Guard was formally established, marking the humble beginnings of my State's storied tradition of service.

Today, nearly 2,700 men and women continue that same tradition of service in the New Hampshire National Guard, and they, too, are distinguishing themselves on the battlefield and at home.

In New Hampshire, our Guardsmen routinely perform search and rescue operations. They respond to floods and to ice storms that threaten the region each year. And the New Hampshire Guard joined many other States that answered the call to aid victims from Hurricane Katrina.

This story of selfless sacrifice is not unique to the members of New Hampshire's National Guard, but it is one example of how all National Guardsmen put others before self, and their service and sacrifice is honored here in this bill.

Today, over 30,000 Guardsmen are serving on the ground and in the skies over Iraq and Afghanistan. As we celebrate the National Guard for its 371 years of service, our thoughts are with those men and women who continue to serve bravely overseas and with their families back home. And our hearts are heavy remembering the 483 Army and Air Guardsmen that have given their last great measure of devotion. For them we vow to care for their families and honor their sacrifice.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield so much time as she

may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from South Carolina.

Mr. Speaker, I rise today in support of House Resolution 542, which expresses the unconditional support of the House of Representatives for the members of the National Guard. I certainly want to thank the chairman and ranking member of the Armed Services Committee.

As we all know, December 13 was the 371st birthday of the National Guard. I could not think of a better way to celebrate this tremendous milestone than to honor the men and women who serve in the National Guard with the resolution before us today.

The National Guard certainly serves a unique purpose. Its main duty, of course, is to secure and defend our homeland. However, the National Guard also plays a vital role in aiding States when natural disasters strike. Whether it is helping to harness the wildfires that recently raged throughout California, or aiding in the aftermath of hurricanes or tornadoes in Florida and across the Southeast, the National Guard has been there lending a helping hand.

While helping out in times of need across the United States leaves a lasting impact, it is the work that the National Guard does on beyond our borders that truly sets it apart. When National Guard units are called up, the men and women who answer the call leave their careers, families, and loved ones behind. These men and women put their lives on hold to protect this great country, and for that we must be eternally grateful. In fact, over 329,000 members of the National Guard have been mobilized in support of numerous military operations since September 11, 2001.

The National Guard units from my district have played a critical role in many of these operations, and I want to take this opportunity to thank them for everything they do in defense of all of our freedoms. Their contributions have been a tremendous asset, and without the National Guard, the United States Armed Forces would not be able to operate at the high level it currently does.

As many of you know, an issue that is extremely important to me and the people of my district, and most likely your district too, is illegal immigration and the need for greater border security. That's why it is also important to note that the National Guard is playing a vital role in protecting our borders.

There are currently 6,000 National Guardsmen serving along our borders, doing their best to stem the tide of illegal immigration that threatens this country. The National Guard is playing an every-increasing role in the defense of our great country, and I encourage my colleagues to show their support for the sacrifices these men and women make by supporting this resolution.

Ms. SHEA-PORTER. Mr. Speaker, I yield back the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Representative GINNY BROWN-WAITE for introducing this resolution and my colleagues on the Armed Services Committee for bringing it to the floor for our consideration.

As a proud co-sponsor, I am honored to have this opportunity to recognize the contributions of our citizen soldiers in the United States National Guard.

From the earliest days of our country's founding to today, average Americans have stepped forward to serve their Nation. Soldiers of the National Guard have served in every major combat throughout our great history, and since September the 11th, they have taken a tremendous role in support of the global war on terrorism in Iraq and Afghanistan.

Since these terrible attacks 6 years ago, 329,982 members of the National Guard have been mobilized for military operations around the world. Unlike their traditional military comrades, National Guard members are not career military soldiers. They are most often employed in other careers and serve when called upon to assist with combat operations and as first responders during domestic emergencies and rescue and recovery situations. This unique role underscores an immense dedication to their patriotic duty and to this Nation.

As a 31-year veteran of the Army Reserve and National Guard, I am honored to have known and worked with many of these extraordinary and dedicated individuals.

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My former unit, the 218th Mechanized Infantry Brigade of the South Carolina Army National Guard is currently serving in Afghanistan under the leadership of Brigadier General Bob Livingston. Its 1,800 troops are the largest deployment of National Guard since World War II. I have visited the troops in June, August and November, and I know firsthand they are training Afghani police and military forces to help that young democracy stand on its own two feet. The best way to stop terrorism is to deny terrorists safe havens anywhere in the world. Additionally, my son, Alan, was deployed with the South Carolina National Guard to Iraq, along with my son, Julian, with Guard service in Egypt. And my family and I are grateful for their service and the service of their comrades, led by Major General Stan Spears, America's longest serving adjutant general. Our family knows that National Guard membership is rewarding for service for America and for our State while receiving extraordinary opportunities for education, travel and meeting talented people of competence and patriotism. I encourage every American to consider National Guard service.

With this resolution, we recognize the contributions of the Guard, but we also pledge to support their efforts with the necessary resources and express our deepest gratitude to the families whose loved ones serve this Nation. Above all, our deepest sympathies go to the families whose loved ones have been lost.

On behalf of my colleagues in the House of Representatives and the American people, I want to thank the brave men and women of the Guard for their service. In times of peace and times of war, there they are working to protect our Nation and our allies around the world and the citizens here at home. I want to thank Representative GINNY BROWN-WAITE for introducing this resolution. I encourage all of my colleagues to join me in supporting it and expressing our most humble appreciation for the citizen soldiers of the National Guard.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H. Res. 542 which expresses the unconditional support of the House of Representatives for our brave men and women who serve as members of the National Guard.

Over the past several years, the National Guard has confirmed their willingness to serve our country, often giving up their civilian careers to be deployed in Iraq or Afghanistan or other parts of our country where their particular expertise is needed.

The National Guard has done this all the while fulfilling their traditional duties in times of domestic emergencies, leading recovery efforts in case of flood, fire, hurricane, snowstorm, tornado or civil disturbance.

Mr. Speaker, I am especially proud of the Army and Air National Guard units from my district, the U.S. Virgin Islands, who are deployed in Iraq and Afghanistan and at other bases and installations across the country. Our entire territory gives its overwhelming support to the 651st GS Maintenance Company in Iraq, D Company 126th Aviation at Ft. Benning, GA, other individual soldiers stationed in Afghanistan, Iowa, Hawaii and Kuwait.

We also remember that two of our Guard, LTC David Canegata and Staff Sgt. Floyd Lake, made the ultimate sacrifice earlier this year when their Blackhawk helicopter went down in Iraq.

Mr. Speaker, along with my constituents in the territory, I pray for the safe return of all our men and women in the military.

Mr. WILSON of South Carolina. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 542, as amended.

The question was taken.

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

Mr. WILSON of South Carolina. 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 motion will be postponed.

VETERANS GUARANTEED BONUS ACT OF 2007

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3793) to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3793

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 ''Veterans Guaranteed Bonus Act of 2007''.

SEC. 2. CONTINUATION OF ENTITLEMENT TO BONUSES AND SIMILAR BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES WHO DIE, ARE SEPARATED OR RETIRED FOR DISABILITY, OR MEET OTHER CRITERIA.

(a) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.—Section 303a(e) of title 37, United States Code, is amended—

(1) in the subsection heading, by inserting ''; TERMINATION OF ENTITLEMENT TO UNPAID AMOUNTS'' after ''MET'';

(2) in paragraph (1)—

(A) by striking ''A member'' and inserting ''(A) Except as provided in paragraph (2), a member''; and

(B) by striking ''the requirements, except in certain circumstances authorized by the Secretary concerned.'' and inserting ''the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the member would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.''; and

(3) by redesignating paragraph (2) as subparagraph (B) of paragraph (1).

(b) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—Section 303a(e) of title 37, United States Code, is amended by inserting after paragraph (1), as amended by subsection (a), the following new paragraph (2):

''(2)(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

''(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus or similar benefit as if the member continued to be entitled to the bonus or similar benefit following the death, retirement, or separation.

''(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.''.

(c) CONFORMING AMENDMENTS REFLECTING CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

(1) CONFORMING AMENDMENTS.—Section 373 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by inserting ''AND TERMINATION'' after ''REPAYMENT''; and

(ii) by inserting before the period at the end the following: '', and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement''; and

(B) by striking subsection (b) and inserting the following new subsection:

''(b) EXCEPTIONS.—

''(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(2) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

''(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus, incentive pay, or similar benefit as if the member continued to be entitled to the bonus, incentive pay, or similar benefit following the death, retirement, or separation.

''(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.''.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met''.

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item:

''373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.''.

(d) CONDITION ON IMPLEMENTATION.—The implementation by the Secretary of Defense and the Secretary concerned (as defined in section 101 of title 37, United States Code) of sections 303a(e) and 373 of such title, as amended by this section, during fiscal year 2008 shall be subject to the availability of funds for this purpose included in an appropriations Act enacted on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, today the House has a unique opportunity to clarify the law to protect the financial security of wounded veterans, their families and the families of soldiers who have been killed in the line of duty. As recently as last month, we have heard a number of cases in the media suggesting that the Department of Defense has been requiring soldiers wounded in combat to pay back part of their enlistment bonuses if they hadn't yet served their full term, or even worse, that it would require these benefits to be paid back by the grieving families of soldiers who made the ultimate sacrifice for our country.

Quite simply, this is wrong. If a soldier signed up to serve our country and is unable to serve out the full team of his or her enlistment due to wounds received in the line of duty, this soldier should not then be asked to return any part of their signing bonus. For a soldier who has faced the hardships and battle and is now facing the challenges of recovery, we should not add the additional burden of paying back money that is rightfully theirs.

Mr. Speaker, H.R. 3793, the Veterans Guaranteed Bonus Act of 2007, ends the uncertainty about the policy and makes clear that this Nation will never attempt to recoup bonuses and benefits from wounded veterans or grieving families. It mandates that unpaid bonuses or similar benefits are paid in full, and it requires that this financial protection be provided not later than 90 days after the death of a soldier or the departure from the military due to disability from all active duty and Reserve component members.

Finally, the act establishes firm guidelines to ensure that the military will act with fairness and equity when handling the question of such bonuses for all servicemembers.

Mr. Speaker, I commend the gentleman from Pennsylvania (Mr. ALTMIRE) for his diligence and timely work on this sensitive issue and for his commitment to bring this important legislation to the floor of the House. I strongly support H.R. 3793, the Veterans Guaranteed Bonus Act of 2007, and urge its immediate adoption.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield so much time as he may consume to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. I thank the gentleman from South Carolina.

Mr. Speaker, in July, the President's Commission on Care for America's Returning Wounded Warriors reported that the Department of Defense was applying a rule that enlistees who leave the service early cannot receive their full enlistment bonus. The Commission was confident that this rule was not intended to apply to servicemen and women whose combat-related injuries forced them to leave the military. At that point, the Commission received assurances from the Department of Defense that this problem would be addressed. Today, the Congress will ensure that the problem is addressed by passing H.R. 3793, the Veterans Guaranteed Bonus Act of 2007.

As Americans, we should never break our promises to our veterans, especially in time of war. To promise a significant amount of money to a young American and then demand its return or refuse to continue distribution when the man or woman is injured in combat and subsequently discharged is unacceptable. In early October, I joined Congressmen ALTMIRE, STEARNS and MURPHY to remedy this problem.

Today, over 270 of our colleagues and 36 veterans organizations have joined us to advance H.R. 3793, the Veterans Guaranteed Bonus Act of 2007. This legislation guarantees that no servicemember who dies or is retired or separated for disability will be required to repay or forfeit their bonus. We cannot thank our veterans enough for the sacrifices they have made for our country. When our men and women come home from war, the cost of an enlistment bonus is low compared to the sacrifice that is made by our soldiers and Marines.

I am certain this House will pass H.R. 3793, the Veterans Guaranteed Bonus Act of 2007.

Ms. SHEA-PORTER. I yield 5 minutes to my friend and colleague, the original sponsor of this important piece of legislation, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise today in strong support of the bill we are debating today, H.R. 3793, the Veterans Guaranteed Bonus Act, which I introduced.

This legislation will ensure that from this point forward, every combat-wounded veteran injured in Afghanistan or Iraq receives their full enlistment or reenlistment bonus. No longer will American servicemen and women who have served our country so bravely and honorably and have been injured in service to our country, no longer will they be served with a bill to repay their enlistment bonus, and no longer will those heroic men and women suffer the indignity of having their prorated bonus payments cut off if those payments are to be made in installments.

Instead, my bill, which we are debating today, says that the full amounts due under the agreements and contracts that apply to a service combat disability be paid within 90 days of the separation of the servicemember. This legislation also applies to the family members and estates of servicemen and women who are killed in combat.

This issue first came to my attention over the summer while reviewing the Dole-Shalala Commission Report, an independent panel put into place in the spring to investigate the disgraceful situation at Walter Reed Army Medical Center. The Commission uncovered instances of our wounded warriors being denied their bonuses after being injured in combat. And after studying this issue in more detail and learning of other documented instances of this injustice, on October 10, I introduced a Veterans Guaranteed Bonus Act, which is now before us.

In the weeks after I introduced the bill, we continued to hear multiple reports of cases around the country where servicemen and women had been denied bonuses, including the high-profile case involving Private Jordan Fox from my home area of western Pennsylvania. It has become clear that these were not just isolated examples, but instead, some of the hundreds and perhaps thousands of examples of veterans being asked to return their bonuses or be denied the remaining portion of their bonuses after being injured in service to our country.

And while some have made an issue of the expense of paying back these bonuses, let me be clear: There is no group that should stand ahead of our Nation's veterans when it comes time to making Federal funding decisions. Some may argue that because these servicemen and women were injured that they were unable to fulfill their contractual obligations and therefore should be denied the remainder of their bonuses. I want to be equally clear on this point. Members of our Armed Forces have made every conceivable sacrifice for our country, and those who have been injured in service to our country have more than fulfilled the obligations of their service contract. Paying them the bonuses that they have fought for and that they have earned is the very least we can do to repay them for their bravery and their sacrifice.

Finally, I want to make clear that this is a bipartisan bill with more than 270 cosponsors. I want to thank my colleagues on the other side of the aisle, dozens of which have cosponsored this bill and some of whom will speak in favor of it today. I especially want to thank my colleagues, Mr. STEARNS from Florida and Mr. JONES from North Carolina, the lead Republican sponsors of this bill. They joined me in support of this bill before it became a high-profile issue, and I thank them for their leadership. I also want to single out two of my Democratic colleagues, my lead Democratic cosponsor, Congressman PATRICK MURPHY from my home State of Pennsylvania, an Iraq war veteran himself, and Congressman BART STUPAK of Michigan who has fought as hard as any Member of this House for the right of veterans to keep their enlistment bonus.

Most importantly, I want to thank Chairman IKE SKELTON for his willingness to help bring this bill to the floor. Chairman SKELTON's amendment has made this a better bill, and I thank him for his support and his continued leadership as chairman of the Armed Services Committee.

Mr. Speaker, I ask my colleagues to join me in voting for the Veterans Guaranteed Bonus Act before us today. I am sure that all my colleagues in the House would agree that we in Congress must support our troops with our actions and not just with our words. This bill will ensure that every military veteran gets the bonuses they deserve. During this holiday season when our thoughts and prayers are with the brave servicemen and women serving overseas and their families here at home, I can think of no greater tribute we can provide.

Mr. WILSON of South Carolina. Mr. Speaker, I yield so much time as he may consume to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding. Mr. Speaker, I rise in strong support today of H.R. 3793, the Veterans Guaranteed Bonus Act of 2007.

As a former military officer and an enlisted marine, I take this matter very seriously, and I am a very strong supporter of our troops and their families. As Members of Congress, we have an obligation both to stand up for our troops that have been disabled and have to leave the military, as well as surviving families of soldiers who have

made the final sacrifice to protect our Nation and our freedom.

There is no greater insult to our wounded warriors and their families who have sacrificed so much than to deny or revoke their bonus because of a combat-related injury or death. This bill, the Veterans Guaranteed Bonus Act of 2007, would guarantee that no servicemember who dies, other than as a result of a member's misconduct, or is retired or separated for disability will be required to repay any portion of a bonus or similar benefit that they have received.

Mr. Speaker, the Federal Government has broken too many promises to our veterans, and I consider that verging on criminality. We have an opportunity today to support our veterans and to support our troops and to fulfill a promise that was made to these veterans.

I urge all of my colleagues of the House to support this measure and pass H.R. 3793, the Veterans Guaranteed Bonus Act of 2007.

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Ms. SHEA-PORTER. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for yielding.

I rise in support of the Veterans Guaranteed Bonus Act of 2007. Currently, when a servicemember is wounded in combat and cannot return to duty, the Department of Defense allows each military branch to determine, in their discretion, whether to pay a servicemember any portion of a bonus still due to them. As a result, some members of the Armed Forces, who have served their Nation bravely, sustaining severe injuries, are not receiving their full bonus.

In the last month, I have written to the President on three occasions urging him to immediately terminate this disgraceful policy. In response, I received conflicting information from the Department of Defense regarding this policy. Deputy Under Secretary William Carr wrote me on December 12, in a letter, and he stated: ''The Army pays all unpaid enlisted and re-enlistment bonus installments.'' Not true.

In conversations with the Department of the Army National Guard Bureau, my staff has been told that instead of paying the full bonus due, the Army prorates a soldier's bonus based on the number of months the soldier served before their medical discharge. It's still unclear as to what the policy is with the Army. This is why we need to enact a Veterans Guaranteed Bonus Act. We need to establish a uniform Department of Defense policy to ensure all outstanding bonuses are promptly paid to our deserving heroes. Bonuses should be paid in full, without question.

I was first alerted to this program by an Iraqi war veteran in my district, Derek Gagne, from Wilson, Michigan. Derek, an Army National Guardsman, had been denied the remainder of his bonus after suffering a severe eye injury, losing part of his foot and his leg when his Humvee struck an IED in Iraq. Only after numerous calls and questions from my office is Derek now receiving his bonus. Our veterans should not need to fight so hard for something they are entitled to.

I am pleased to join my colleague from Pennsylvania (Mr. ALTMIRE) in cosponsoring the Veterans Guaranteed Bonus Act. This bipartisan bill, supported by over 200 Members of Congress, would require the Department of Defense to establish a uniform policy which provides veterans who are discharged from the military due to combat-related injuries or service-connected injuries their full payment of any bonuses within 90 days of discharge.

This legislation should not be necessary. As Commander in Chief, the President has the ability to correct this policy by requiring all military branches to provide severely wounded members with their full bonuses. This administration is quick to go to war, but slow to respond to the needs of our veterans.

Our Nation must be committed to caring for and honoring our veterans not just with words, but with deeds. Ensuring that our soldiers receive the bonuses they were promised is the least we can do for those who put their lives on the line to protect our freedoms.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3793, as amended, a bill to ensure that military personnel who die or who are retired or separated for medical reasons are paid their full enlistment or re-enlistment bonuses and are not subject to repayment of any portion of those bonuses.

Last month, media stories sparked outrage among Members of Congress and citizens alike when they highlighted what appeared to be a potentially widespread practice by the Army and Department of Defense. Media reports stated that wounded servicemembers who could no longer continue on active duty because of those wounds were being required to repay portions of their enlistment or re-enlistment bonuses because they had not fulfilled the terms of their contracts. In some cases, the Army was cited as demanding repayment of thousands of dollars from soldiers who, but for their wound or injuries in combat, continued to serve the Army in this Nation honorably.

What the media failed to report completely was that the Department of Defense and the military services had an active policy in place that addressed this problem. The policy did the following: first, in cases where a servicemember died, not at the result of his or her own misconduct, the unpaid portions of an enlistment or re-enlistment bonus would be paid to the servicemember's survivors, and there would be no requirement to repay already paid bonuses.

Second, when the servicemember was unable to complete an enlistment or re-enlistment due to circumstances reasonably beyond the servicemember's control, no already paid bonus would be recouped. Finally, the Secretaries of the military services had broad discretion, on a case-by-case basis, to forego recoupment and pay out unpaid portions of bonuses.

H.R. 3793, as amended, captures and codifies the most effective parts of the existing DOD policy, and goes beyond that policy. When enacted, H.R. 3793 will guarantee that a servicemember who dies or is retired or separated for medical disability will not be required to pay any portion of a bonus or similar benefit that they had received. It mandates that the full contracted amount of any unpaid bonus or similar benefit be paid, as appropriate, to the estates of servicemembers who die or to servicemembers who are retired or separated due to a disability. And it mandates that payments are to be made not later than 90 days after the death, retirement, or separation of the servicemember.

Additionally, if a service Secretary determines that requiring repayment or withholding payment of the unpaid bonus would be contrary to a personnel policy or management objective, against equity and good conscience, or be contrary to the best interests of the United States, then they would be allowed to waive repayment or to continue payment of unpaid bonuses. Discretion should be allowed for the most beneficial interpretation in favor of our courageous servicemembers.

H.R. 3793 is a good bill, and I urge all my colleagues to join me in supporting it. Our servicemen and -women deserve our most humble thanks, and this bill would ensure that we are honoring their sacrifices by not denying them or their families their due pay.

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

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

Ms. SHEA-PORTER. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to thank the gentlelady from New Hampshire for yielding me the time, and I appreciate her work on behalf of veterans and their families. I would also like to recognize my colleague from Pennsylvania, Representative ALTMIRE, for championing this important legislation.

Mr. Speaker, a little over a month ago we celebrated Veterans Day and were reminded of the men and women who have served our Nation and continue to wear our country's uniform. These brave men and women have volunteered for service with the assurances of health care and benefits for

them and their families. But despite entering into this solemn pledge, far too often our government has unfairly shortchanged our veterans.

With our readiness levels considered to be reaching all-time lows, our military has been attracting recruits via monetary incentives. The Department of Defense has been offering signing bonuses to soldiers in order to entice candidates for longer enlistment periods. But in too many cases, our wounded warriors are having their payments cut short or, in some instances, entirely taken away. Soldiers who sustain a combat-related injury and cannot serve out the entirety of their enlistment period are being forced to return part of or all of their bonuses. That is flat wrong. This is a shameful practice that is unjust and in no way reflects how our Nation's heroes ought to be treated.

H.R. 3793, the Veterans Guaranteed Bonus Act, remedies this unfair practice by requiring the DOD to uphold their part of the deal and fully pay all bonuses to veterans medically discharged due to combat-related wounds. Injuries sustained on the battlefield which prevent a soldier from completing their enlistment period should not be treated like some type of breach of contract. It is reprehensible to ask our wounded warriors to pay back any bonuses afforded them, as they have already sacrificed an amount for which no price can be named.

Mr. Speaker, I stand in strong support of H.R. 3793 and encourage my colleagues to support its passage.

Mr. WILSON of South Carolina. Mr. Speaker, I reserve the balance of my time.

Ms. SHEA-PORTER. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I, too, rise today in strong support of H.R. 3793, the Veterans Guaranteed Bonus Act. As a lieutenant commander still serving in the U.S. Navy Reserve, I know full well the hardships and dangers our troops face.

Our country has made a promise to these brave men and women; and this promise simply states that if you protect us and defend our freedom, we will provide you with the benefits you have earned. Unfortunately, that is not happening right now. These brave men and women and their families deserve their bonuses, especially if they were killed or wounded in action.

The Veterans Guarantee Bonus Act ensures our soldiers will get the money they deserve and earned, and it does so in a timely manner. I applaud Congressman ALTMIRE's leadership on this issue, and I urge all Members of Congress who care about our troops and the sacrifices they make to vote in favor of this legislation.

Mr. WILSON of South Carolina. Mr. Speaker, I reserve the balance of my time.

Ms. SHEA-PORTER. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, we have spent much of this year uncovering and correcting shortfalls in this country's treatment of our uniformed heroes. Reversing negligence is one thing, but today we address the reprehensible and willful act of docking a soldier's pay for being injured while answering the call of duty. This literally is our government adding insult to injury.

These men and women left their homes and families, they paid with their time, bodies, and health for the security of our fellow citizens. Without them, we are defenseless. Thanks to them, we are the most powerful Nation in the world.

To save the injured, that is not enough, and to ask them to pay once more is shameful at best. They volunteered to become part-time and full-time professional soldiers out of love of this country, and it is high time our leaders started to show some gratitude. We owe them the best medical care, respect, honor, forthrightness, and, at the very least, we owe them the payment they were promised.

I urge my colleagues to restore honor to our injured heroes and, in so doing, restore honor to the Nation they fight for by supporting the Veterans Guaranteed Bonus Act.

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of H.R. 3792, introduced by my good friend, Representative ALTMIRE. This bill ensures that we keep our promises to our wounded soldiers who are injured in the line of duty by guaranteeing they receive full payment of their bonuses. Department of Defense rules deny enlistees their full enlistment bonus if they don't fulfill their entire military obligation. Members who were injured in combat and forced to retire or separate from the Armed Services before the end of their service commitment are forced to pay back the Department of Defense or do not receive the remaining portion of the bonus owed to them. This important legislation corrects this injustice and ensures that service members are not being financially penalized for their injuries after their patriotic duty to and sacrifice for their country. It comforts me knowing that Democrats are being elected to Congress who know and understand the problems that their constituents face and that they aren't wasting any time introducing bills that correct them. For that I commend Representative ALTMIRE and his leadership in Congress on veterans' health care.

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

Ms. SHEA-PORTER. 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 New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and pass the bill, H.R. 3793, as amended.

The question was taken.

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

Ms. SHEA-PORTER. 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 motion will be postponed.

AWARDING CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4286) to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4286

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

SECTION 1. FINDINGS.

The Congress finds as follows:

(1) Aung San Suu Kyi was born on June 19, 1945, in Rangoon, Burma, to Aung San, commander of the Burma Independence Army, and Ma Khin Kyi.

(2) On August 15, 1988, Ms. Suu Kyi, in her first political action, sent an open letter to the military controlled government asking for free, open, and multi-party elections.

(3) On September 24, 1988, the National League for Democracy (NLD) was formed, with Ms. Suu Kyi as the general-secretary, and it was, and remains, dedicated to a policy of non-violence and civil disobedience.

(4) Ms. Suu Kyi was subsequently placed under house arrest, where she remained for the next 6 years—without being charged or put on trial—and has been imprisoned twice more; she currently remains under house arrest.

(5) Despite her detention, the National League for Democracy won an open election with an overwhelming 82 percent of the vote—which the military junta nullified.

(6) While under house arrest, she has bravely refused offers to leave the country to continue to promote freedom and democracy in Burma.

(7) For her efforts on behalf of the Burmese people, she has been awarded the Sakharov Prize for Freedom of Thought in 1990, the Presidential Medal of Freedom in 2000, and the Nobel Peace Prize in 1991.

(8) Ms. Suu Kyi continues to fight on behalf of the Burmese people, even donating her $1.3 million from her Nobel Prize to establish a health and education fund for Burma.

(9) She is the world's only imprisoned Nobel Peace Prize recipient, spending more than 12 of the past 17 years under house arrest.

(10) Despite an assassination attempt against her life, her prolonged illegal imprisonment, the constant public vilification of her character, and her inability to see her children or to see her husband before his death, Ms. Suu Kyi remains committed to peaceful dialogue with her captors, Burma's military regime, and Burma's ethnic nationalities towards bringing democracy, human rights, and national reconciliation to Burma.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate

shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of awarding Aung San Suu Kyi the Congressional Gold Medal.

Mr. Speaker, since the founding of our country, this Congress has awarded more than 300 people and organizations the Congressional Gold Medal. We have bestowed this honor on those who have performed outstanding deeds and acts of service. Past recipients include the Dalai Lama, for his contributions to peace, nonviolence, human rights and religious understanding; Elie Wiesel, one of the foremost spokesmen of the victims of the Holocaust; the Reverend Francis X. Quinn, pastor of the Church of the Guardian Angel in New York City, who risked his own life in persuading an armed gunman to surrender to police and free an elderly couple he was holding hostage; Mother Teresa of Calcutta; and Nelson Mandela of South Africa.

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Like those who have received this award before, Aung San Suu Kyi embodies the spirit of the Congressional Gold Medal, dedicating her life to the cause of freedom and democracy by fighting to establish peace in her home country of Burma.

Aung San Suu Kyi was born in Burma in 1945, and 2 years after her birth her father negotiated Burma's independence from the United Kingdom and was then assassinated by his rivals that very same year.

Like father, like daughter, Ms. Suu Kyi has spent most of her life working to better her native country. Although Burma established democratic rule after becoming an independent republic in 1947, a military coup toppled the government in 1962, and since then the government has been effectively under military control.

For more than 20 years, Ms. Suu Kyi has led the effort to end military rule in her country. In 1988, she helped form the National League for Democracy, also known as the NLD, which advocates nonviolence. She is currently the NLD's general secretary. In 1990, despite being under house arrest, she led her political party to a landslide victory in parliamentary elections, gaining 82 percent of the seats in Parliament. The military junta snubbed the will of the Burmese people by nullifying the results of the election and, subsequently, ruling with an iron fist.

Throughout her political career, Aung San Suu Kyi has been in and out of house arrest, but this has only solidified her determination to secure democracy for the people of Burma. And, when offered the chance to leave the country and live in exile, she said ''no,'' choosing instead to stand with her fellow citizens of Burma.

In August, her struggles and the struggles of the Burmese people were thrust onto the international stage when pictures of monks protesting the military junta were shown all over the world. Despite the junta's violent crackdown on dissidents, protesters have remained committed to peaceful protests, inspired by their rightful leader, Aung San Suu Kyi, who met with foreign leaders and junta officials from her home to work for a peaceful way forward after the bloody nationwide crackdown.

Their efforts prompted new calls for democracy within the global community. The United Nations' Secretary was outspoken in calling on the junta to allow for democracy to take place in Burma. And First Lady Laura Bush continues to make public statements in support of the democratic movement in Burma, and we are all grateful to the First Lady's efforts in trying to bring about democratization within Burma; yet, the nation is still under military control and Aung San Suu Kyi's fight for democratic rule continues.

Burma is a nation in the heart of southeast Asia. It is bordered by China, Laos, Thailand, Bangladesh, and India. In a region that is working to establish firm stability, Burma is a cancer whose main exports are illegal drugs, diseases like HIV and AIDS, and refugees pouring into neighboring countries.

The people of Burma and Southeast Asia deserve to live in a stable and thriving region. That is why the United States must continue to support efforts to establish peace and democratic rule in Burma. And it is my hope that by honoring Aung San Suu Kyi with the Congressional Gold Medal, we will continue to pressure the junta to release her and bring freedom and democracy to the people of Burma.

Aung San Suu Kyi's work on behalf of the Burmese people has already been recognized by many on the international stage. She has won over 60 international awards, including the Sakharov Prize for Freedom of Thought from the European Union, the Presidential Medal of Freedom in the United States, and the Nobel Peace Prize. She is also the world's only imprisoned Nobel Peace Prize recipient, spending more than 12 of the last 17 years under house arrest.

Aung San Suu Kyi and the people of Burma are leading a courageous nonviolent struggle for human rights and democracy, values we share as Americans. Her passionate, nonviolent approach and commitment to a free democratic Burma has won the hearts and minds of the people of Burma and, I dare say, the rest of the free world. Today I believe we should show her and the rest of the world that she is also in the hearts and minds of the Members of the U.S. Congress.

A number of my colleagues deserve special thanks for helping me bring this message to the floor today, including my good friend from Illinois (Mr. MANZULLO) for working with me to make this a bipartisan measure. Also, Majority Leader STENY HOYER and Financial Services Committee Chairman BARNEY FRANK and Ranking Member BACHUS deserve my thanks and our thanks in helping to ensure speedy consideration of the bill. Additionally, at the staff level, I want to thank Nien Su, Joe Pinder, Jonathan Obee and Greg Sheiowitz from my staff for their help.

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

Mr. MANZULLO. Mr. Speaker, I rise today to urge my colleagues to support this very important effort to award the Congressional Gold Medal to Aung San Suu Kyi. She is one of the most honorable advocates for democracy and human rights the world will ever know. Ms. Suu Kyi is the world's only Nobel Peace Prize winner to remain a political prisoner. Ironically, the daughter

of Burma's revolutionary hero is herself a captive in the very country that her father freed from colonial rule.

I want to take this opportunity to thank my colleague and good friend from New York (Mr. CROWLEY) for being a leader on such an important matter. His drive and commitment to awarding the Congressional Gold Medal to Ms. Suu Kyi is not only impressive, but it is a true testament to his character. I am honored that he reached out to me to help drive this measure.

Mr. Speaker, Burma's military junta has held Aung San Suu Kyi captive for most of the 18 years she has spent inside that country. In fact, she was placed under house arrest in 1989, after she formed the National League for Democracy. And even after that party won the decisive election in 1990, with Ms. Suu Kyi elected as Prime Minister, the junta continues to not recognize the election results and the fact that the people have spoken. Except for brief occasions, Ms. Suu Kyi has remained a prisoner. She even was not allowed to attend her husband's funeral and remains separated from her children.

In September of this year, the Burmese people held the largest peaceful protests that country has seen in the past 20 years. They protested the poor economic decisions of the junta as well as the continued denial of democratic and human rights of the Burmese people. An estimated 100,000 people marched through Rangoon, peacefully demanding the release of Aung San Suu Kyi. The world watched and hoped that this time the Saffron Revolution would lead to meaningful change. But, rather than listening to its people, the regime of Than Shwe turned its guns against the people, as they did in 1988. The U.N. Special Envoy for Human Rights reported recently that at least 31 people were killed in September and over 1,000 people remain incarcerated.

Last week, we gathered here in this House to pass a bill sponsored by two champions of freedom, my good friends Mr. LANTOS, chairman, and Ms. ROS-LEHTINEN, ranking member of the House Foreign Affairs Committee. The Block Burmese JADE Act of 2007 can be an important tool to add even more pressure to the regime to change its ways, particularly if our government encourages more countries to adopt similar economic sanctions. I note that the European Union is following a similar approach in response to the killings. Even Burma's immediate neighbors have issued strong statements condemning the massacre.

Mr. Speaker, the American people are outraged and disgusted by the severe use of force on the protestors and the continued detention of Aung San Suu Kyi. Shortly after the protest, the Subcommittee on Asia, Pacific, and Global Environment, on which I serve as ranking Republican member, with Congressman ENI FALEOMAVAEGA as chairman, held a hearing on the situation in Burma. We heard dramatic testimony from experts within the administration and from nongovernmental organizations. All the witnesses agree that Burma's fall from a prosperous country to pariah state was a direct consequence of the dictatorship.

So that is why we are here today, to state for the record that it is time the military junta recognize the will of the Burmese people, and of most countries of the world, and open the door for true reconciliation. By awarding Ms. Suu Kyi the Congressional Gold Medal, we Americans send a strong message that totalitarianism in Burma needs to come to an end.

I urge all Members to support H.R. 4286 so that we can voice our full support for Burma's first daughter and for all the people of Burma. This will remind the military junta of the American people's unwavering support for Aung San Suu Kyi. We need to pass the bill so there can be no mistaking our support.

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

Mr. CROWLEY. Mr. Speaker, I yield such time as the gentleman may consume to my good friend, ENI FALEOMAVAEGA.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend and thank the gentleman from New York for his sponsorship of this important legislation. I also want to commend my good friend, the ranking member of our Asia, Pacific Subcommittee, the gentleman from Illinois (Mr. MANZULLO) for allowing bipartisanship of this bill.

Mr. Speaker, I rise in full support of H.R. 4286, a bill to award Ms. Daw Aung San Suu Kyi the Congressional Gold Medal for her dedication, her service, and unwavering commitment and courage to stand up against the forces of military rule on the people of Burma. For over 10 years now, Ms. Daw Aung San Suu Kyi has been placed under house arrest by the military regime of Burma.

Mr. Speaker, I will submit that there are a lot of complications here on the situation with Burma. Burma continues to exist under very difficult conditions whereby seven to eight ethnic factions are constantly competing for the control of that country. In fact, it was even so bad that even the British could not control them under their colonial rule. As such, the military organization now claims, and continues to claim, that it is the only group or organization that is keeping the country together and, without the military, Burma would be in a state of civil war.

Mr. Speaker, I want to say that that is the very heart and problem that we face with Burma today; the fact that there are about seven to eight different ethnic groups within the country that could never be controlled by one group. And I want to say that, as the recipient of the Nobel Peace Prize, Ms. Daw Aung San Suu Kyi continues to make every effort to work with the military regime to see the possibility of democracy ever to return to Burma.

It is my sincere hope that, in the coming weeks and months, Ms. Daw Aung San Suu Kyi and her military counterparts will work out a compromise solution, hopefully, to establish a democratic form of government for the people of Burma.

Mr. Speaker, I want to again commend my good friend, the gentleman from New York, for his authorship of this bill and, most appropriately, to honor this great leader Ms. Daw Aung San Suu Kyi with the Congressional Gold Medal. I urge my colleagues to support this legislation.

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

Mr. CROWLEY. I thank once again Mr. MANZULLO for his support and efforts in helping to bring this legislation in a bipartisan spirit to the floor today. I want to thank my friend again Mr. FALEOMAVAEGA for his comments and work as well.

There is no question that the situation in Burma is complex. One only needs to read today's Washington Post to understand again the complexity of this in terms of the ethnic diversity within Burma. Also, in reading that article today, one could also understand that there's incredible turmoil within that country where there are more child soldiers than any other country today; where every day, daily, young boys are coerced and enslaved by conditions into becoming soldiers as young boys and children. There are over 2,000 political prisoners that we know of today in Burma. And that same article today alluded to the destruction of villages in Burma. Let me just point out that over 200 ethnic minority villages have been destroyed by the military junta, forcing 1.5 million people to flee their homes, some to flee the country, in a country where rape is used as a weapon by the military regime against the ethnic minorities within that country, documented and well known.

Aung San Suu Kyi, if she receives this award this year, will receive the award the same year that we just gave this to the Dalai Lama, the same award, the Gold Medal. She is known in Burma and throughout the world as the Nelson Mandela of Burma. She is known as the Gandhi of Burma.

□ 1500

I think it is appropriate that this year she share the limelight in some way with the Dalai Lama who himself has brought attention to the cause of the people of his own land.

Let me close by saying just one other point about Aung San Suu Kyi and the sacrifices she has had to make, giving up of her personal freedom and opportunity to live in Great Britain, India or elsewhere. She has turned that down to be with her own people who are suffering to the point where she is not permitted to see her family members because of her involvement in human rights activities.

In 1999, when her husband was dying, the military regime refused to allow him to live with her during that time. She had to spend those terrible days in isolation from the person she loved more than anyone else, her dying husband.

It is also important to note that Aung San Suu Kyi received the Nobel Peace Prize. But quite frankly, that was done in 1991, a very long time ago; some 16 years ago she received that award. So I believe that the work that the administration is doing, the work that the First Lady, and again I want to congratulate First Lady Laura Bush for her continued effort to bringing light and attention to this particular issue, I think it is having an effect on the world. I think more of the world is interested in what is happening in Burma and paying attention to it.

I would also like to take this time to ask our friends in India to play more of an active role in bringing about a constructive solution to the issues of Burma. And again to China, a country that I believe has continued to turn its face away from atrocities, no longer should China turn her face away from what is happening in Burma. China, India, Bangladesh, all of the countries in the region need to be concerned about what is happening in Burma today. Again, it is about what makes America America, standing up for those countries that stand up for democracy and human rights.

Mr. Speaker, I am pleased to present this legislation to the House floor and hope my colleagues support it.

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

The SPEAKER pro tempore (Mr. YARMUTH). The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and pass the bill, H.R. 4286.

The question was taken.

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

Mr. CROWLEY. 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 motion will be postponed.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2484) to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2484

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

SECTION 1. EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT.

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

(1) Since it was established by Congress in 1962 at the request of President John F. Kennedy, the National Institute of Child Health and Human Development has achieved an outstanding record of achievement in catalyzing a concentrated attack on the unsolved health problems of children and of mother-infant relationships by fulfilling its mission to—

(A) ensure that every individual is born healthy and wanted, that women suffer no harmful effects from reproductive processes, and that all children have the chance to achieve their full potential for healthy and productive lives, free from disease or disability; and

(B) ensure the health, productivity, independence, and well-being of all individuals through optimal rehabilitation.

(2) The National Institute of Child Health and Human Development has made unparalleled contributions to the advancement of child health and human development, including significant efforts to—

(A) reduce dramatically the rates of Sudden Infant Death Syndrome, infant mortality, and maternal HIV transmission;

(B) develop the Haemophilus Influenza B (Hib) vaccine, credited with nearly eliminating the incidence of mental retardation; and

(C) conduct intramural research, support extramural research, and train thousands of child health and human development researchers who have contributed greatly to dramatic gains in child health throughout the world.

(3) The vision, drive, and tenacity of one woman, Eunice Kennedy Shriver, was instrumental in proposing, passing, and enacting legislation to establish the National Institute of Child Health and Human Development (Public Law 87–838) on October 17, 1962.

(4) It is befitting and appropriate to recognize the substantial achievements of Eunice Kennedy Shriver, a tireless advocate for children with special needs, whose foresight in creating the National Institute of Child Health and Human Development gave life to the words of President Kennedy, who wished to ''encourage imaginative research into the complex processes of human development from conception to old age.''.

(b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended—

(1) in section 401(b)(7) (42 U.S.C. 281(b)(7)), by striking ''National Institute of Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'';

(2) in section 404B (42 U.S.C. 283d), by striking ''National Institute for Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'';

(3) in section 404E(a) (42 U.S.C. 283g(a)), by striking ''National Institute of Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'';

(4) in section 409D(c)(1) (42 U.S.C. 284h(c)(1)), by striking ''National Institute of Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'';

(5) in section 424(c)(3)(B)(vi) (42 U.S.C. 285b–7(c)(3)(B)(vi)), by striking ''National Institute of Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'';

(6) in section 430(b)(2)(B) (42 U.S.C. 285c–4(b)(2)(B)), by striking ''National Institute of Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'';

(7) in the heading of subpart 7 of part C of title IV (42 U.S.C. 285g et seq.), by striking the term ''National Institute of Child Health and Human Development'' each place such term appears and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'';

(8) in section 487B(a) (42 U.S.C. 288–2(a)), by striking ''National Institute on Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'';

(9) in section 519C(g)(2) (42 U.S.C. 290bb–25c(g)(2)), by striking ''National Institute of Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development''; and

(10) in section 1122 (42 U.S.C. 300c–12), by striking ''National Institute of Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development''.

(c) AMENDMENTS TO OTHER ACTS.—

(1) COMPREHENSIVE SMOKING EDUCATION ACT.—Section 3(b)(1)(A) of the Comprehensive Smoking Education Act (15 U.S.C. 1341(b)(1)(A)) is amended by striking ''National Institute of Child Health and Human Development'' and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development''.

(2) ADULT EDUCATION AND FAMILY LITERACY ACT.—Sections 242 and 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9252 and 9253) are amended by striking the term ''National Institute of Child Health and Human Development'' each place such term appears and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development''.

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by striking the terms ''National Institute of Child Health and Human Development'' and ''National Institute for Child Health and Human Development'' each place either term appears and inserting ''Eunice Kennedy Shriver National Institute of Child Health and Human Development''.

(d) REFERENCE.—Any reference in any law, regulation, order, document, paper, or other record of the United States to the ''National Institute of Child Health and Human Development'' shall be deemed to be a reference to the ''Eunice Kennedy Shriver National Institute of Child Health and Human Development''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I come to the floor today to express my strong support for S. 2484, a bill to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development. I am proud to lend my support to a bill aimed at honoring such a compassionate and wonderful human being.

Often we miss out on the opportunity to honor people while they are with us. Today, I hope my colleagues on both sides of the aisle will join with me in seizing the moment and commemorating Eunice Kennedy Shriver, a tireless advocate for children. While Eunice Kennedy Shriver is perhaps best known for her efforts on behalf of those affected by mental retardation and for the creation of the Special Olympics, she has also been a leader on many other fronts. In particular, it is wholly appropriate that we name the National Institute of Child Health and Human Development after Eunice Kennedy Shriver, as she was instrumental in establishing the institute just over 45 years ago during the administration of her brother, John Fitzgerald Kennedy.

In the nearly half a century since its founding, the institute has helped make great strides in the advancement of child health and human development, including dramatically reducing sudden infant death syndrome and infant mortality.

One of the goals of the institute is to ensure that children have the opportunity to reach their full potential and live healthy and productive lives. Her commitment and dedication to helping children meet these goals has been unwavering.

Therefore, Mr. Speaker, it is important that we, before it is too late, that we honor this great American, Eunice Kennedy Shriver, today by renaming the National Institute of Child Health and Human Development after her. I support this good bill and urge all of my colleagues to do the same.

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

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

Today I rise in support of Senate 2484, an act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

Ms. Shriver, along with her husband Sargent, was and is a champion for young people who suffer and strive under the extra load of developmental disabilities. Prior to the creation of the NICHD more than 40 years ago, many scientists were of the mind that money would be better off spent studying adult diseases, effectively short-changing the younger populations with these conditions.

NICHD was established in 1962 under the Kennedy administration and many credit Ms. Shriver's tenacity. Ms. Shriver never stopped being a spokesperson and advocate, and the institute she helped found has never stopped benefiting from her determination and her spirit.

I would like to confer with my colleagues on the other side of the aisle to determine if it is their understanding as well that nothing in this bill will change any of the authorities that the NIH Reform Act of 2006 provided the NIH and the director of the NIH. Specifically, nothing in this act will change any authorities of the Scientific Management Review Board or any other provisions provided in section 401 of that act. Is that your understanding as well?

I yield to the gentleman from North Carolina.

Mr. BUTTERFIELD. I want to thank the distinguished gentleman from Nebraska (Mr. TERRY). You are absolutely correct. This legislation is only meant to change the name of the single institute within NIH and to have no other effect, no other effect on the NIH or its organization. We do not intend to change or even signal any other change at the NIH.

Mr. TERRY. Well, I thank the gentleman from North Carolina for that.

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

Mr. BUTTERFIELD. Mr. Speaker, I urge my colleagues to vote ''yes'' on this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the Senate bill, S. 2484.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT TO INTERNATIONAL EMERGENCY MANAGEMENT ASSISTANCE MEMORANDUM OF UNDERSTANDING

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 13) granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

''Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

''The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

''The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

''This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

''Article II—General Implementation

''Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

''The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

''On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

"Article III—Party Jurisdiction Responsibilities

''(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

''(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster or emergency aspects of resource shortages;

''(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

''(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

''(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

''(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

''(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

''(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

''(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

''(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

''(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

''(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

''(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

"Article IV—Limitation

''Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

"Article V—Licenses and Permits

''Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

"Article VI—Liability

''Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

"Article VII—Supplementary Agreements

''Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

"Article VIII—Workers' Compensation and Death Benefits

''Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

"Article IX—Reimbursement

''Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

"Article X—Evacuation

''Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

"Article XI—Implementation

''(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

''(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

''(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

"Article XII—Severability

''This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

"Article XIII—Consistency of Language

''The validity of the arrangements and agreements consented to in this compact

shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

"Article XIV—Amendment

''This compact may be amended by agreement of the party jurisdictions.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, in January 1998 a devastating ice storm struck the northern New England border region. Damage to the region's infrastructure was considerable, and millions spent days in the dark on both sides of the border between the U.S. and Canada. When the lights came back on, there were over 30 dead.

This tragedy resulted in an effort in cross-border cooperation that has yielded the mutual assistance compact we have before us today. The International Emergency Management Assistance Memorandum of Understanding provides a legal framework for cooperation between the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, with the Canadian Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador.

The compact allows for management of any emergency or disaster arising from natural disaster, technological disaster, man-made disaster, or civil emergency. It seeks to regularize plan and program formulation; assist in warning communities adjacent to or crossing jurisdictional boundaries; ensure critical delivery of services as well as medicines, water, food, energy and fuel; and to clarify search and rescue protocols and issues related to evacuation.

The Senate has already passed their version of the resolution; and passage today in the House, as required by the Constitution, will permit this compact to come into effect.

It is worth noting, as well, that several years ago the Senate passed a similar resolution, but the House failed to act and the moment faded. We must not let this happen again. This is the kind of international cooperation that makes it safer and stronger.

I thank the gentleman from Vermont (Mr. WELCH), particularly, for his strong leadership on this important compact and for his diligence in trying to ensure greater cooperation with Canada on emergency issues. This resolution deserves our support, and I urge all of my colleagues to join me in doing so.

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

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

Mr. Speaker, I am pleased to join my colleagues today in support of Senate Joint Resolution 13. The States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut have negotiated an International Management Emergency Assistance Memorandum of Understanding with the Canadian provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland.

This MOU creates a framework for cooperation among the participating jurisdictions when they face natural disasters or other emergencies that they have in common. Article I, section 10 of our Constitution requires that any agreement between States and foreign powers obtain the consent of Congress. That is what this legislation will grant.

All of us know too well the significant resources needed to overcome a disaster, whether natural or manmade.

I applaud the initiative taken by these States and their Canadian neighbors to proactively plan for the resource management and mutual assistance that may become necessary in unexpected times of crisis.

As confirmed by the Congressional Budget Office, this resolution will not result in any cost to the Federal Government or impose any costs on State or local governments. I support this measure and urge adoption thereof.

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

Mr. CROWLEY. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Vermont and the sponsor of this legislation, PETER WELCH.

Mr. WELCH of Vermont. I thank the gentleman from New York.

There is a reason, Mr. Speaker, that all of the Senators from the New England States, all of the Members of Congress from the New England States join in support of this resolution. Their legislatures and their governors all support this, as well as the legislatures and the premiers in the provinces of Canada that have been mentioned. That is because we need each other in a moment of weather disaster.

As the gentleman from New York (Mr. CROWLEY) referred to, there was a severe ice storm in 1998 and this response that we had in those New England States, with the help of the provinces, was helpful to alleviate some of the suffering, but not all. This is fundamentally important in order that we be able to cooperate to the mutual benefit of folks in the New England region and in the Canadian provinces. I want to express my gratitude to the Foreign Affairs Committee, my gratitude to my friend from Texas. I am sorry that Texas isn't part of this because then we would really be in good shape.

□ 1515

And I want to thank Mr. CROWLEY and the members of the leadership staff and the staff of the Foreign Relations Committee for moving this forward on such an expedited basis.

The more we can cooperate to help each other, the better all of us are going to be. And as my friend from Texas would say, ''That's just the way it is.''

We must all do our best to prepare for the most serious emergencies that can harm our communities. As those who live in the Northeast know, extreme weather is not uncommon in New England, or in the eastern provinces of Canada. Together with our Canadian neighbors, we have endured catastrophic blizzards and ice storms over the years that have closed roads and highways, shut down power for extended periods, and stranded travelers and rural residents for days, or longer. During these events, we turn to our first responders and our emergency management professionals to provide assistance and secure public safety no matter how grave the danger, and no matter how challenging the task.

The IEMAMOU compact was created in response to the devastating ice storm of 1998. In January of that year, an unprecedented 3-day ice storm paralyzed portions of the northern New England States and the adjacent Canadian provinces, causing massive damage to the electrical and transportation infrastructure. Millions were left in the dark for days and even weeks, leaving more than 30 dead and shutting down normal activities in large cities like Montreal and Ottawa. Following this devastation, the governors and premiers of those regions affected recognized the need for greater cross-border emergency cooperation, and they directed their emergency management leaders to develop and create a memorandum of understanding on these issues that benefit all parties north and south of the border. The IEMAMOU compact was the result of this collaborative, international process, and now stands as a model compact for cross-border mutual emergency assistance.

The compact allows for international sharing of resources and expertise in times of extreme emergency or disaster. The IEMAMOU compact meets these needs with a thoughtful and forward-looking outline of how to address issues that face first responders and their managers in times of cross-border emergency.

This international compact provides a legal framework for cooperation and mutual assistance between the States of Vermont, New

Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut, and the Canadian provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador. The compact requires each participating member, whether State or province, to formulate plans and programs to facilitate international and interstate or provincial cooperation in case of natural or manmade disaster, technological hazard, or civil emergency.

All members of this compact have agreed to its terms and join in requesting Congress's consent for the agreement. Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut have joined the IEMAMOU compact, and many of these States have passed legislation adopting the compact under State law. The premiers of Quebec, Prince Edward Island, Labrador, Nova Scotia, and New Brunswick have similarly approved of the compact. The IEMAMOU compact has been functioning in principle for more than 5 years, as the emergency management leaders from each member State and province meet twice a year. Planning among the constituent members of the compact is also ongoing. This compact works well and should be supported by Congress.

The IEMAMOU compact is an international agreement between States and a foreign power, and it cannot have the full force of law without the formal approval of Congress. The U.S. Constitution requires that "[n]o state shall . . . enter into any Agreement or Compact with another State, or with a foreign Power" unless with the "consent of Congress." U.S. Const. Art. 1, § 10, cl. 3. The joint resolution introduced today provides this necessary consent, and would give legal force to the compact. Congressional approval of this compact would also provide jurisdiction for Federal courts to resolve any disputes under the agreement.

This joint resolution is vitally important to the New England States and our Canadian provinces to the north. Congress should support their cooperative, international leadership in creating and implementing this unique emergency management compact. The Governor of Vermont supports this joint resolution as do the leaders of the North East States Emergency Consortium, which represents each of the New England States in the compact.

It is time to take action and pass this joint resolution without further delay. The IEMAMOU compact provides invaluable international cooperation and mutual assistance in times of natural disaster and extreme emergency. This compact works well for New England and the eastern Canadian provinces, and it stands as a model for emergency management planning and cooperation across this country.

Mr. POE. Mr. Speaker, I want to commend my friend PETER WELCH from Vermont for his comments, and mainly for sponsoring this cross-border initiative showing that the New England States and some provinces in Canada can get along together for cooperation of mutual concern. And I, too, am sorry that Texas is not a part of this initiative as well.

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

Mr. CROWLEY. Mr. Speaker, I want to thank my colleague as well, Mr. WELCH from Vermont, for sponsoring this.

Two hundred thirty-two years ago, during the battle of Quebec, there was hostility between the residents of Quebec and the struggling colonists that were striving for their freedom from Great Britain. We've come a long way in 232 years. It's about time we get a protocol in place that ensures that lives are saved during times of disaster, whether manmade or natural. I commend my friend again for sponsoring this legislation, and I urge its adoption.

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. CROWLEY) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 13.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

MOURNING THE PASSING OF CONGRESSMAN HENRY J. HYDE

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 843) mourning the passing of Congressman Henry J. Hyde and celebrating his leadership and service to the people of Illinois and the United States of America, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 843

Whereas all Members of Congress affect the history of the United States, but Congressman Henry J. Hyde leaves a legacy as one of the most principled and influential public servants of his generation that will endure for many years;

Whereas millions of men and women across America mourn the death of the distinguished former Congressman from Illinois;

Whereas Henry J. Hyde, upon his graduation from high school, earned a scholarship to play basketball at Georgetown University, and participated in the 1942 NCAA national championship basketball tournament;

Whereas Henry J. Hyde served valorously in the United States Navy from 1944 to 1946 in the South Pacific, New Guinea, and the Lingayen Gulf and continued to serve in the Naval Reserve until 1968;

Whereas Henry J. Hyde returned to the United States from active duty in 1946, graduated a year later with a bachelor of arts degree, and went on to earn a law degree from Loyola University Law School in 1950;

Whereas Henry J. Hyde served in the Illinois House of Representatives from 1967 to 1974;

Whereas Henry J. Hyde was elected to serve Illinois's 6th Congressional District in the United States House of Representatives in 1974;

Whereas Henry J. Hyde will be remembered for his impassioned opposition to abortion, and the Hyde Amendment, which banned the federal funding of abortion;

Whereas Henry J. Hyde was named chairman of the Committee on the Judiciary in 1995 and played a vital role in the passage of key elements of the Contract with America, and as a skilled lawyer and someone who loved the practice of law, he understood and respected the rule of law as an essential part of American democracy;

Whereas Henry J. Hyde was instrumental in the early 1980s reauthorization of the Voting Rights Act of 1965, and known for initiatives including the Family and Medical Leave Act, nutrition programs for women, infants, and children, Federal standards for collection of child support, and landmark patent, copyright, and trademark reform legislation;

Whereas Henry J. Hyde was named chairman of the Committee on International Relations in 2001 and worked across the political divide to successfully enact legislation to address the burgeoning international HIV/AIDS crisis, and also succeeded in enacting landmark foreign assistance legislation, including the creation of the Millennium Challenge Corporation, and the expansion of United States funding for microenterprise initiatives aimed at helping the poor and vulnerable;

Whereas during his long distinguished career, Henry J. Hyde played an integral role in debates over United States-Soviet relations, Central America policy, the War Powers Act, the Taiwan Relations Act, NATO expansion, and the investigation of the Iran-Contra affair;

Whereas Henry J. Hyde highly respected the institutional integrity of the House of Representatives, and was a forceful advocate for maintaining the dignity of the House and for recognizing the sacrifices and struggles Members make while in its service;

Whereas in 2006, Henry J. Hyde retired from the House of Representatives, where he maintained ties of bipartisan civility throughout the more than 3 decades of dedicated service;

Whereas Henry J. Hyde was awarded the Nation's highest civilian honor, the Presidential Medal of Freedom, on November 5, 2007, for tirelessly championing the weak and forgotten and working to build a more hopeful America; and

Whereas Henry J. Hyde has been characterized as a statesman, a constitutional scholar, a person with sharp wit and a keen sense of history, a passionate orator, a compassionate man, and a person with a distinguished career who has left an indelible mark on the legacy of the United States House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation for the profound dedication and public service of Congressman Henry J. Hyde;

(2) notes that he was preceded in death by his late wife Jeanne Simpson and his son, Henry "Hank" Hyde;

(3) tenders its deep sympathy to his wife, Judy Wolverton, to his children, Robert, Laura, and Anthony, and to the entire family of the former Member of Congress and staff;

(4) directs that the eulogies offered concerning the life of the Honorable Henry J. Hyde, former Representative from the State of Illinois, be bound and printed as a House document; and

(5) directs the Clerk of the House to transmit a copy of this resolution to the family of Congressman Henry J. Hyde.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the subject matter of this resolution, H. Res. 843.

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

There was no objection.

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

Mr. Speaker, I'd like to recognize the service of our former colleague, a Member of the House of Representatives, Mr. Hyde, who served in the House of Representatives from January 3, 1975, to January 3, 2007, and served as chairman of the Judiciary Committee, as well as chairman of the International Relations Committee.

Mr. Hyde's life was a good, long life and a complex life as well. Mr. Hyde graduated from high school and earned a scholarship to play basketball at Georgetown University. He participated in the 1942 NCAA basketball tournament. As a college basketball fan, I think that may be the height of his career. But that was only the beginning.

He went on to serve valorously in the United States Navy from 1944 to 1946 in the South Pacific, New Guinea, the Guinean Gulf, and continued in the Reserves well into the 1960s.

Mr. Hyde was elected to serve his constituents in Illinois' Sixth Congressional District, I think where he certainly contributed mightily and tremendously to the advancement of the Congress, as well as our country.

I had the great opportunity to serve with Henry Hyde as a member of the International Relations Committee, a somewhat junior member, then a mid bench member. I always enjoyed the banter with the chairman; quick-witted, and incredibly intelligent, steeped in history, understood every bill that was before him, and understood where he stood on those issues.

And although Mr. Hyde and I did not agree on every political issue, I admired his tenacity. I admired his demeanor. I admired the way in which he handled himself, both in committee, on the floor, and as a person.

I also had the opportunity to travel with Mr. Hyde on a trip to a country that is near and dear to both himself and myself, the country of our ancestry, Ireland. I know that he was proud of the work of the advancement of peace and justice in Ireland, in all of Ireland, and worked mightily towards that end.

But Mr. Hyde had numerous accomplishments. And I'll leave that to my colleagues on the other side of the aisle to advance today. But I would urge the adoption of this resolution, as amended.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of H. Res. 843, mourning the passage of Congressman Henry Hyde and celebrating his leadership and service to the people of Illinois and the United States of America.

And at this time I would like to recognize for 5 minutes the gentleman from Illinois (Mr. ROSKAM), who is the prime sponsor of this legislation, and the successor to Henry Hyde in that seat from the great State of Illinois.

Mr. ROSKAM. Mr. Speaker, a special word of thanks to the majority leader, who worked hard to get this resolution on the floor, and to him I'm deeply grateful.

You know, there's been a lot said about Henry Hyde over the past several weeks, particularly since his passing and in the weeks prior to that when he received the Medal of Freedom from President Bush in a White House ceremony that he was unable to attend due to his illness.

And we've often focused in those comments on his conduct here in the House of Representatives, Mr. Speaker, but I would like to give just a little bit of a glimpse of what he was like back at home, because the same shadow that was cast here in the Capitol was similarly cast in the Sixth District of Illinois, which is the west and northwest suburbs of Chicago. There, he was Henry Hyde who would be routinely introduced at various gatherings, and in partisan gatherings he would oftentimes get a standing ovation from a very grateful group of Republicans. But all across the aisle, both sides of the aisle, people were able to approach him, and they would often think of him, really, as an alderman for that area, or almost a city councilman. And by that I don't mean anything to negate his status, but simply, his accessibility as a Member of Congress, which was something really to behold. You could routinely find him in his district. He would fly back and forth every week into O'Hare Airport, which was right in the middle of his Sixth District of Illinois.

And I think that he was one of those people that, when you think about Congressmen, you think about the very best and the very brightest. And I would submit that when, from 1974 all the way up through his retirement, when people contemplated Henry Hyde, he was contemplated in a way that was a positive reflection on this institution. When people thought of him, they thought, You know what? That's the way a congressman is supposed to be. That's the way a congressman is supposed to handle himself. That's the way a congressman is supposed to interact with people on his own side of the aisle and, even more importantly, with people on the other side of the aisle.

His legacy is one, and his name will inextricably be linked with the pro-life movement. He was a passionate advocate, as we all know, for the unborn.

He did his duty in the impeachment of President Clinton. But those things, while they're formative, and they're very interesting, and they are who he was, sort of the lead gets buried if you stop the Henry Hyde story there, because he was someone who was also very active and a partner in trying to reach out to come up with the funds and the support to take on HIV/AIDS globally.

And he was far ahead of his time. He was one who broke from his ranks and voted in favor of the Family and Medical Leave Act, much to the chagrin, at the time, of many in his party who subsequently have come to see the light of that courage of his convictions.

And so, Mr. Speaker, in closing, this is a time of reflection and it's a time of honoring the legacy of a great man. And I think the words of Paul Johnson, a great British historian, come to mind when he wrote a history of the American people. And the British historian Johnson said, to paraphrase, he said this: All kinds of factors go into how history comes out. Just all kinds of things. But without question, the single most important factor are the people who are in charge at the time.

And I think all of us today rise and acknowledge that Henry J. Hyde and the oath that he took and the way in which he carried himself in office was a great credit, not only to this institution, but a great credit to our country.

Mr. CROWLEY. Mr. Speaker, I'm pleased to yield once again to my good friend from the territory of Samoa, Representative ENI FALEOMAVAEGA, for as much time as he may consume.

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

Mr. FALEOMAVAEGA. Mr. Speaker, again I want to thank my good friend from New York for yielding me such time to say a few words in honoring this gentleman.

As I'm sure that I did not want to miss this opportunity to stand here on the floor and to express my feelings of this great American, as I'm sure there may have been a Special Order already taken where Members could speak and giving their sense of tribute to Congressman Henry Hyde.

I thank the gentleman from Illinois for his sponsorship of this bill, and want to thank the members of the Illinois delegation for their sponsorship of this legislation to honor my good friend and dear colleague, the late Congressman Henry J. Hyde, whom I've had the distinct privilege of serving with him when he served as chairman of the House Committee on International Relations.

Mr. Speaker, Chairman Hyde and I did not always agree on the issues and bills that were brought before our committee, but one thing that I valued tremendously concerning the character of this great leader, and that is he respected the opinions of others, even though they may differ from his.

Chairman Hyde was a great leader, a man of principle, and a true patriot

and a statesman. And above all, Mr. Speaker, he was my friend.

I'm reminded of a Chinese proverb, Mr. Speaker, and the proverb states, ''There are many acquaintances but very few friends.''

Congressman Henry Hyde was my friend. Have a good journey, Henry.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, one of the most fortunate things I've had happen in my life is that I was able to serve for 12 years with Henry Hyde; 10 years during the first period of time I served, and then the first 2 years of my return to the Congress. For 10 of those years, well, all 12 of those years, I served on the Judiciary Committee with him, and he was, in my mind, a great man.

We all have our heroes, I suppose, in life. My dad's a hero of mine. Ronald Reagan was a hero of mine. Mother Theresa is a hero of mine. And in this House, Henry Hyde was and continues to be a hero of mine.

Recently, we have had a lot of debate and discussion in the national press about the appropriate place for religion and religious values in public debate. The speech given by the former Governor of Massachusetts, Governor Romney, has been called the speech reminding people of the speech given by another gentleman from Massachusetts some 40 years ago, President John F. Kennedy. And in their own way, they were both outstanding speeches.

But one of the speeches I recall on the same subject was given by Henry Hyde. It was the speech he gave at my alma matter, the University of Notre Dame, in the same year that Governor Cuomo gave a speech to the university, attempting to the address the question of what the proper role was of religious values in public life.

Now, it was particularized in the fact that both Governor Cuomo and Henry Hyde were Roman Catholics. But what they said there and what Henry said there is not limited merely to a Catholic in public service, but goes to the question of what someone who has deeply held religious values should do when confronted with the great ideas of their time.

□ 1530

Perhaps the greatest example in political history is that of Sir Thomas Moore, also known as St. Thomas Moore, immortalized in the great play, ''A Man for All Seasons,'' when he attempted to try and deal with the tremendous disconnect at times between what in the secular world appears to be an obvious conflict between deeply held values and your responsibility as an elected or appointed figure.

Similarly, in a closer period of time in our history, a work that influenced the speech of John Kennedy was a great writing by John Courtney Murray called, ''We Hold These Truths.'' John Courtney Murray was a tremendous Jesuit priest and political theorist whose work probably was the greatest influence in the Catholic Church during the Second Vatican Council in understanding what political liberty was all about. And I have used both of those writings in trying to understand what my obligation in life is.

But ranking alongside both of those works is this work by Henry Hyde called, ''For Every Idle Silence.'' He took that from a statement by St. Ambrose. He said, Not only for every idle word but for every silence must man render an account. Henry Hyde believed that.

In the speech at my alma mater, Henry Hyde said in 1984, ''This must be an election year. Everyone is talking about theology.'' The reason I mention that is here we are 20-some years past that time, and there are those that believe that this issue is arising for the first time, and somehow we have some difficulty in understanding what it's all about.

So I would just like to reflect on a few words of Henry Hyde in that speech which perhaps would give us some direction as we approach that same issue this year. He said, ''First and hopefully most obviously, we are not arguing about the creation of a theocracy or anything remotely approaching it. We're not talking about declaring ourselves a Christian Nation or a Nation under any religion.''

But he said, ''We are, as our coinage and our Pledge of Allegiance asserts, a Nation 'under God': that means a Nation under God's judgment, constantly reminded by our smallest coin that the true measure of ourselves comes from beyond ourselves. Again, for the church as well as for democracy, let us preserve the integrity of both the political process and the church.''

And he went on to say, ''In the second place, we are not arguing about whether 'religion and politics should mix.' This formula, so simple, is also deceptive and disorienting. Religion, the expression of what theologian Paul Tillich called our 'ultimate concern,' and politics have 'mixed,' intermingled, shaped and influenced each other centuries before the conversion of Constantine.''

And Henry goes on to say, ''And this has been true of our American experiment as well. The claim that American religion has always been 'intensely private between the individual and God' would surely have come as news to John Winthrop and the Pilgrims, to Jonathan Edwards, to the Abolitionists, to Lincoln, to 15 generations of the black church, and not least to American Catholics taught by the magisterial John Courtney Murray, architect of the Vatican Council's 'Declaration on Religious Liberty.' Throughout our history, religious values have always been a part of the public policy debate. Religious values, particularly the Judeo-Christian tradition's insistence on the inherent dignity and inviolable worth of each individual human life, lie at the root of what Murray called the 'American Proposition.''

''Yes,'' Henry says, ''other influences shaped the Founders of our Republic. Enlightenment modes of political philosophy play their important role, too. But to borrow a phrase momentarily from the Marxists, 'it is no accident' that Benjamin Franklin, one of the deistic Founders, proposed as a device on the Great Seal of the United States a picture of Moses lifting up his staff and dividing the Red Sea while the Pharaoh was overwhelmed in its waters, with the motto 'Rebellion to tyrants is obedience to God.'

''Jefferson, often considered the most implacable foe of 'mixing' religion and politics, countered with the suggestion that the Great Seal depict the children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night.''

Henry Hyde understood that we are influenced and informed by our most deeply held beliefs and that it is not un-American to bring those to the debate. He also suggested that what we also understood was that we should not establish any particular religion or demand the American people bow to any particular religion.

Henry Hyde gave us tremendous guidance, and for those in the debate involved today, I would suggest they might want to look at Henry's book, ''For Every Idle Silence,'' including that speech at Notre Dame which he entitled, with his usual good sense and humor, ''Keeping God in the Closet, Some Thoughts on the Exorcism of Religious Values from Public Life.''

Henry Hyde was a remarkable man. He had a great wit about him. You could argue on the floor with him as strongly as possible, and he would come over across the aisle, punch you in the arm and tell you a joke. He took what he did seriously, but he never took himself too seriously. He was an inspiration to me and many others around the world.

I remember one time I asked Henry, do you ever get tired being involved in the debate on the right-to-life, and he said to me, you know, I do, but as I get older and think of my mortality, I think about the possibility of entering the gates of heaven, and I think of the faces of those children whose lives I've saved, standing there saying to me, Welcome, Henry, welcome.

Ultimately, I think Henry's life can be summed up in the last words that he gave to the students and faculty of the University of Notre Dame in 1984. He said this to those students: ''And so I ask again, do you change the world or does the world change you?

''There was a 'Just Man' many centuries ago who tried to save Sodom from destruction. Ignoring his warning, mocking him with silence, the inhabitants shielded themselves with indifference. But still he persisted, and taking pity on him, a child asked, 'Why do you go on?' The Just Man replied that in the beginning, he thought he could change man. 'Today,' he said, 'I know I cannot. If I still shout and scream, it's to prevent them from changing me!''

As Henry said to those students that day: ''I hope you go out and change the world!''

Mr. Speaker, Henry Hyde was the just man. Henry Hyde did work. Henry Hyde changed the world. I am thankful for his leadership. I'm thankful for him being a colleague. I'm thankful to be able to call him friend, and I rise in strong support of H. Res. 843.

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

Mr. CROWLEY. Mr. Speaker, I have no other speakers on our side and will close, and I will just say that it's been noted to me that it's highly unusual for us to have a House resolution honoring a former Member but maybe appropriate in this particular case because Henry Hyde was an unusual person, and I will just go back again to my experience with him on the committee.

I found him to be very fair, very just, a very abiding chairman, and was concerned as much about the decorum of the committee and how we conducted the business of our committee as well would be done in a fair and just way. That's something that I will certainly remember Henry Hyde for.

I hope as we move forward, not only today or next year, but in Congresses to come, that that rapport between Members of both sides, regardless as to where we find ourselves on issues, can conduct ourselves in a way which would make Chairman Hyde proud.

The last time I saw Chairman Hyde was where I more often saw him sitting, next to the portrait of Lafayette here in the House of Representatives in a wheelchair and remarking to him, as always I did, Mr. Chairman, how are you, even though he was no longer chairman of a standing committee here in the House. For many of us on our side, as well as yours, he was always the Chairman, and we say to Chairman Hyde, God bless and Godspeed.

Mr. JACKSON of Illinois. Mr. Speaker, I was deeply saddened to learn that Henry J. Hyde passed away on Thursday, November 29, 2007. I know I join my colleagues both past and present in thanking this truly remarkable man for his contribution to this country.

Former Representative Henry Hyde served his country honorably both in the U.S. Navy during World War II and later as a Member of the U.S. House of Representatives. Representative Hyde was first elected to the House of Representatives in 1975, where he later served as chairman of the House Judiciary Committee and the House International Relations Committee.

During his tenure in Congress, Henry Hyde will most be remembered for leading the impeachment proceedings against former President Bill Clinton and for his staunch opposition to abortion rights, both issues on which he and I strongly differed. Despite my opposition, Henry Hyde always took principled stands on issues and legislation and personified what it means to be called ''The Honorable.''

Henry Hyde had always been considerate to me, generous with his time and extremely helpful to me as a legislator. Not long after I was sworn in as a new Member, he acted as a mentor and we became close friends despite our political and ideological differences. I was pleased to work with Henry on ''The Hyde-Jackson Partnership,'' the effort to bring a third airport to the Chicagoland region. On this specific issue, I owe Congressman Hyde a debt of gratitude for his leadership, public service, experience and wisdom.

I will miss my good friend and trusted mentor and my deepest condolences go out to his family.

Mr. LANTOS. Mr. Speaker, I rise today to join this commemoration of the extraordinary life of Henry Hyde, the late, able chairman of the House International Relations Committee. The United States House of Representatives lost an institutional legend this year, and those of us lucky enough to have served with Henry Hyde lost a treasured friend. Although Henry and I did not always agree on matters of policy, I have a deep and lasting respect for his service to this country.

Mr. Speaker, Henry Hyde was a giant. His integrity, intelligence and patriotism were of towering proportions. Our friendship always transcended partisan political considerations and was reminiscent of an era of congressional collegiality. Henry's passionate commitment to public service and to the American people will serve as a beacon for generations.

Henry Hyde had a wide variety of legislative feathers in his cap, but I wish today to speak about two particularly notable accomplishments. The first rightfully bears his name—the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act. This bipartisan agreement was done with cooperation in both Chambers. It represents the right way of legislating—ample preparation, consideration of all ideas, bipartisan cooperation, cordial relations with the other body, and keen attention to institutional prerogatives.

Also under Henry's leadership, Congress approved groundbreaking, bipartisan legislation to fund the global battle against the scourge of HIV/AIDS. The U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 would not have happened without Henry's strength and persistence, and it stands as a testament to his life and work. Henry memorably—and astutely—compared the scourge of HIV/AIDS to the bubonic plague in its tragic scope. We are now in the midst of renewing the mandate of this vital legislation, and Henry's leading role in it will be very much on his colleagues' minds.

A member of the International Relations Committee since 1982, Henry was a key figure in debates and decisions about war and peace, international arms control, the expansion of NATO, and United Nations reform. He also served with distinction on the Judiciary and Intelligence Committees, but I will let others speak to his achievements there. And of course, the continued, devoted support by his constituents through 16 terms in Congress speaks volumes about his work on behalf of his district.

Mr. Speaker, Henry chaired the International Relations Committee for 6 years, through some of the most pivotal and riveting challenges of our times. He wielded his gavel with fairness, intellectual honesty and no small amount of wit. Some of us may disagree with some of his policies, but he was a true gentleman of the House, and he will be deeply and sincerely missed.

Mr. TIAHRT. Mr. Speaker, I join my colleagues today to honor a great American. Henry Hyde was a true gentleman and a greatly respected Member of Congress. Many words come to mind when I think of Mr. Hyde: leadership, aggressiveness, determination, dignity. Many sought counsel from him, including me. He was a tremendous orator, with a keen mind and a silver tongue. Members of both parties liked and respected him, because they knew that, regardless of party or ideology, they would be treated fairly, with dignity and respect.

Unfortunately, Henry Hyde has been criticized in the press for leading the impeachment proceedings against President Bill Clinton, but the most important cause he led was to protect life. His political career was comprehensive, but it is his work to protect and promote the dignity of human life that has had the greatest impact. His efforts in this body are unmatched, and he leaves a profound legacy of challenges met, obstacles overcome, and grace in tumultuous times. He will be deeply missed, and our prayers go out to the entire Hyde family during this difficult time.

I join many of my colleagues in praising the life and work of Henry Hyde. The greatest tribute we can give him is to carry on his efforts to acknowledge the worth of every single human being, born and unborn. I encourage members of this body and our constituents to follow Henry's lead and make sure that we honor the value of life.

Mr. BUYER. Mr. Speaker, with the passing of Congressman Hyde, the country lost a true patriot who was deeply dedicated to the American people. He had a distinguished career in public service, beginning with his time in the Navy during World War II, followed by his service in the Illinois General Assembly, and then in the House of Representatives. Henry's leadership and steadfastness to principle quickly became apparent in the House. He always was a stalwart defender of the rights of the unborn, and pushed the Congress to see clearly the impact of its decisions on the defenseless.

I was 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 hid an individual who did not shy from a fight, especially when it came to upholding the Constitution, the rule of law, and other interests of the United States. As a fellow House Impeachment manager, and as one of the ''band of brothers,'' I am truly honored to call him my brother and I will miss him.

Mr. CROWLEY. 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. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 843, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

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 until approximately 5:45 p.m. today.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 5:45 p.m.

□ 1749

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. JONES of Ohio) at 5 o'clock and 49 minutes p.m.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 873 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 873

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 17, 2007, providing for consideration of any of the following measures:

(1) The Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

(2) The Senate amendments to the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

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

GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 873.

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

There was no objection.

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

Madam Speaker, H. Res. 873 waives clause 6(a) of rule XIII, which requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This waiver would apply to any rule reported on December 17 that provides for consideration of the omnibus appropriations bill or the Senate-amended energy bill. Madam Speaker, the Rules Committee has reported a separate rule for the energy bill, but the House is not expected to take up the Senate-amended energy bill tonight.

With passage of this rule, the House will move one step closer to passing the omnibus appropriations bill that will fund the government outside of the Department of Defense, which we have already funded. It's an important bill, and although it is not everything I wanted, I believe it deserves to be approved in its current form.

Madam Speaker, Democrats took over the majority in the House and the Senate with a promise of a new direction for America. The House moved an aggressive and positive agenda forward, including the timely consideration and passage of the fiscal year 2008 appropriations bills. Unfortunately, the President and the Republican leadership of the House and the Senate are still stuck in the past. Instead of working with Democrats in moving towards a new direction, the Republican leaders in the House and Senate did everything they possibly could to delay and obstruct the process until we had no option but to bring an omnibus appropriations bill to the floor.

In fact, the Senate minority leader, Senator MCCONNELL, actively blocked consideration of these appropriations bills. Why would the Republican leadership block these bills from even being considered in the Senate? The answer, Madam Speaker, is that they were playing politics. Instead of allowing important funding for our roads and bridges, funding for the sick and the hungry, funding to protect our food system and funding for homeland security, the Republican leadership decided to block these funds to try to score political points.

So when my friends on the other side of the aisle complain that we are not considering these bills individually, remember that they were the ones that prevented us from doing just that. That's unfortunate but it's reality. The reality is that because of Senate rules, it takes 60 votes to order pizza, let alone to consider and vote on important pieces of legislation.

All told, the Democratic majority wanted to pass appropriations bills that were fully paid for and that increased spending by $22 billion over the President's request. The President and his allies here in Congress said, No, no, that's too much. That's too much for education, too much for health care, too much for medical research, too much for veterans. The irony, of course, is that the President continues to ask for hundreds of billions of dollars for the war in Iraq, none of it paid for. Billions to patch the alternative minimum tax, none of it paid for.

Some of my Republican friends, as I read in the press, are now proclaiming a great ''victory'' because the omnibus bill meets the President's top-line number. Let's take a look at that.

Because of the Republicans, there will be fewer medical research grants at NIH than Democrats would have liked. ''Congratulations,'' I guess.

Because of Republicans, there will be fewer cops on the beat than Democrats would have liked. ''Job well done,'' I suppose.

Because of the Republicans, there is less funding for important education programs that Democrats would have liked. ''Mission accomplished,'' my Republican friends.

The fact is that this Republican so-called ''victory'' is hollow at best. And I've been wracking my brain all day, but I just can't remember the Republican campaign commercial from last fall that said, ''Vote for me and I'll follow the President off the cliff and spend billions more in Iraq while I cut domestic priorities.'' Maybe that commercial did exist and it just didn't run in Massachusetts.

Despite all of that and despite the Republican obstruction, Chairman OBEY has put together a bill that makes important new investments in our national priorities. More money than the President wanted for medical research and rural health. More money than the President wanted for K–12 education. More money than the President wanted for renewable energy and energy efficiency. More money than the President wanted for homeland security, for local law enforcement, for our crumbling infrastructure. And perhaps most importantly, more money than the President wanted and requested for our veterans. All of that changed, all of that progress because of this new Democratic majority.

Madam Speaker, unlike last year, we are getting our work done. We are completing our appropriations bills, not kicking the can down the road with another continuing resolution, which is what the Republicans did last year when they controlled both Houses of Congress and the White House, I should add. And the same-day rule before us takes us one step closer to making that happen.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank the gentleman from Massachusetts for the time, and I yield myself such time as I may consume.

Madam Speaker, ''I rise in strong opposition to this martial law rule and in opposition to the outrageous process that continues to plague this House. We have before us a martial law rule that allows the leadership to once again ignore the rules of the House and the procedures and the traditions of this House. Martial law is no way to run a democracy no matter what your ideology, no matter what your party affiliation.''

Madam Speaker, those are not my words; those are the words of the gentleman from Massachusetts. He spoke those words on the floor on several occasions last year regarding what he eloquently called a ''martial law rule.''

So, although they are not my words, they are quite relevant to this debate. Since I have already used some of the gentleman's words, I will continue to point out one more comment that the gentleman made on martial law rules. I think this one quote is particularly interesting because it was given on December 7, 2006, just a month before the Democrats took control of the House of Representatives. It speaks about how the Democrats proposed to run the House, and it is in sharp contrast to how they are actually running the House. This is what the gentleman said:

''There is a better way to run this body. The truth 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 debates on the issues that come before this body.''

Now, I ask, Madam Speaker, where is that openness and fairness my colleague spoke about? Where is the openness on the energy bill rule, where over 90 amendments were closed out, including a Republican substitute? Where was that openness when we considered SCHIP reauthorization under two closed rules, shutting out all amendments? Where is that openness today when we are asked to consider a 3,000-page omnibus appropriations bill with less than 24 hours to review the legislation?

□ 1800

I know where it is, Madam Speaker. They left it on the campaign trail. It was an empty promise, and it became evident that it was a false, hollow promise on the opening day of their new majority, when the Democrats wrote into the rules of the House closed rules for the consideration of the first six bills that they were to take up, in effect discharging the Rules Committee from its duties for the first six bills they were to bring to the floor.

So their remedy for examples of unfairness they had criticized in the Rules Committee was: no Rules Committee. And that trend, started, sadly, that day, continues to this day.

As my colleague has said, yes, and I quote, ''There is a better way to run this body. The truth 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 debates on the issues that come before this body.'' How right my colleague was.

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

Mr. MCGOVERN. Madam Speaker, I would just like to respond to the gentleman.

He talks about process. Let's compare where we are this year compared to where we were last year, when the Republicans had the majority in this Congress. What they did is they avoided doing their work and, instead, they passed a continuing resolution that took us into the following year, and they ran out of town. They left Washington before they had finished their job for the year. That is the process that they had.

What we are doing right now is trying to bring up the omnibus bill today, and we would have liked to have done it differently, but unfortunately there are Republicans in the House and there are Republicans especially in the Senate who chose to be obstructionists rather than to be partners in trying to get something done. And so here we are.

And so I would say that we're not leaving here until we get our job done. And that's very, very different from the way they conducted business.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, at this time I yield as much time as he may consume to the distinguished ranking member of the Rules Committee.

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

Mr. DREIER. Madam Speaker, I rise in strong opposition to this rule. And I want to begin by complimenting my friend from Miami for very cogently pointing to the December 6, 2006, words of our friend from Worcester who has, once again, stood before us and tried to make an argument for completely rebuffing all of the promises that were made in 2006 and the years before that.

Now, my friend has just referred to the fact that we had a continuing resolution a year ago right now when we were considering this. The fact is, in the last Congress, while it wasn't a model by any means, there were more appropriations bills passed through both Houses of Congress than has been the case in this year, the first year of the Democratic majority's control of this place.

Now, when we think back to those promises that were outlined so well when my friend from Miami was carrying forth the arguments propounded by Mr. MCGOVERN, I think about what we've gotten this year compared to last year. In fact, this year, there have been more bills rewritten in the Rules Committee than in any other Congress we've had before. Eleven of the appropriations bills last year were passed, and only one this year, the Defense appropriations bill. And so as I listen to my friend malign the record of the last Congress, we have to remember the fact that 11 of the bills were passed last year.

But let me further add that in this calendar year there have been more bills rewritten by the Rules Committee than ever before in any Congress. Madam Speaker, in this Congress there have been more closed rules preventing any Member, Democratic or Republican, from having the opportunity to offer an amendment than in any Congress in our history.

And one of the other things that I remember, as we consider this bill, Madam Speaker, is the fact that we were promised a 24-hour period to look at measures. In fact, I remember the Speaker, in ''A New Direction for America,'' said that we would do this. And my friend, in his December 6, 2006, statement, talked about a new sense of fairness and openness. He said that twice in his statement, Madam Speaker. And yet it was 12:55 this morning when the Rules Committee received this 3,000-page omnibus appropriations bill. And here we are, at now 5 minutes past 6 in the evening, having gone through the Rules Committee and brought it to the floor. It is, again, 180 degrees from what was promised by this new majority.

Now, Madam Speaker, I will say that my friend and I are the two Members of the minority who are here on the floor, we have consistently stood, as have all of our colleagues, prepared to work in a bipartisan way to deal with these issues.

And I was really somewhat surprised when I heard my friend mention the issue of veterans benefits, making sure that we have the resources needed for our Nation's veterans. Well, Madam Speaker, last summer, we could have gotten a bill to the President's desk with bipartisan support, Democrats and Republicans, again, coming together, which is what we want to do, we want to work together. And that's what the American people regularly say is, yes, you've got different visions, but can't you deal with areas of agreement and, in fact, pass Public Law on that.

Well, Madam Speaker, I will tell you that I believe the Democrats and Republicans in this House, at least from everything I've heard, want to provide much-needed assistance to our Nation's veterans. Democrats and Republicans want to provide assistance to our Nation's veterans. And, Madam Speaker, last summer we had an opportunity to do that. Our colleagues in the Senate, the other body, they appointed the conferees so that we could report, it was a bipartisan agreement, to report out and get the much-needed veterans relief to the President's desk for a signature. We could have done that last summer. And yet, Madam Speaker, unfortunately, there was never, by the Speaker of the House, an appointment of those conferees. So we've gone for half a year at a cost of, it's been as high as 13 or $18 million a day, if I remember the numbers, that it has cost with this constant delay.

And so I was really shocked that my friend from Worcester would raise the issue of veterans benefits when we could have, again, with Democrats and Republicans alike agreeing, we could have gotten that bill to the President's desk and signed last summer; 6 months ago it could have been done.

So I've got to say again, Madam Speaker, that we were promised this great new sense of openness. I was encouraged by that. And I will admit, in

the position that I held in the last Congress as chairman of the Rules Committee, I didn't do it perfectly. I made mistakes. I know my friend from Miami would acknowledge the same thing. We never held ourselves up as a perfect model, but we were constantly criticized. And I know that regularly our friends on the other side of the aisle will say, well, you did this, so that means we should do this. No, Madam Speaker, it wasn't about what we did. It was about what this new majority promised they were going to do.

Twenty-four hours to look at legislation, and yet this 3,000-page omnibus appropriations bill was made available at 12:55 this morning. A new sense of openness and fairness. More closed rules in the first session of the 110th Congress than in any Congress in our Nation's history, and more bills rewritten in the Committee on Rules than we've ever seen happen before.

Madam Speaker, I believe that those of us in the minority have a responsibility to hold this new majority accountable to those promises that were made, not to us, I mean, I'm not complaining about us, it's the American people. It's our constituents, Democrats and Republicans, who have been denied this opportunity.

And so it is sad that we are beginning to wind down the first session of the 110th Congress in the way that we are when, again, we would very much like to work in a bipartisan way. We're going through this measure now, Madam Speaker, that the President has said he would veto in its current form. We know that the Senate is going to end up doing the right thing, ensuring that we have the necessary funds to support our troops as they seek to prosecute this war against radical extremism, and yet we deny it in this measure.

So I, of course, will be voting against this bill as it now is. And I guess it gives some Members cover. They get an opportunity to say that they're voting against the war in Iraq, which some people want to do. I mean, we all want this war to come to an end. As I just said upstairs in the Rules Committee a few minutes ago, the President of the United States stood here last January, nearly a year ago, and he said, I wish this war were over and that we had won. This is not an endless war. We've been getting positive reports from a wide range of sources, even some of the harshest critics, including one particularly prominent Member of this institution, who was a very harsh critic, has acknowledged that the surge has worked and that we are seeing signs of improvement.

Now, I don't know if that's going to bring the war to an end. No one knows. I don't know if it's just a lull. It may be. But I do know this, these are positive signs that need to be recognized. And it would be a horrible mistake for us to pass this omnibus appropriations bill which would deny the needed resources.

Whether you supported our going into Iraq or not, we are where we are, and I think Members of this body need to recognize that. Unfortunately, this omnibus appropriations bill fails to do that.

And I know I've offered this quote on numerous occasions here on the House floor, Madam Speaker, but my constituent, Ed Blecksmith, a very proud former marine, lost his son, his son that was in the battle of Fallujah in November of 2004. And his father said to me, Ed Blecksmith said to me, ''If you don't complete our mission in Iraq, my son, J.P., will have died in vain.'' And that's why I believe that it is critically important, as unpopular as this is, for us to make sure that we complete our mission, which means ensuring that the Iraqi security forces can defend the country and that the government can govern. It took us 13 years, from July 4, 1776 until April of 1789, nearly 13 years for us to put our government into place.

We have challenging and difficult days ahead in both Iraq and Afghanistan, but this measure would be an absolutely horrible, horrible signal to send to our troops and to those who are so courageously, Iraqis, people of Afghanistan, who are fighting on behalf of this cause for freedom.

And so, Madam Speaker, I will say again, it's a process that is not what was promised to the American people, and it is a product which is clearly flawed. So I urge my colleagues to vote against this rule and against the underlying resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, the gentleman from Massachusetts spoke earlier about the fact that my previous comments were focused upon process; and that is correct, they were, because process is a fundamental aspect of a representative democracy.

The legislation that the majority made available early this morning, this bill, Madam Speaker, I was in the district today and I had the opportunity and privilege of having various meetings with constituents, and I have arrived here this evening, and I must admit, Madam Speaker, that I have not had the time to absorb this bill.

□ 1815

Now, process is important because it is our responsibility, Madam Speaker, to represent the American people in a responsible way. Now, the rules of the House call for, and it is true, and the former chairman mentioned it, and I admit, I have made mistakes, as well, the rules of the House call for 3 days for Members to be able to review bills.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I simply would like to congratulate my friend from Miami for having the ability to, as he has just shown, on three occasions lift up all 3,000 pages of this bill which we are expected to vote on which obviously virtually no one has reviewed.

Mr. LINCOLN DIAZ-BALART of Florida. I may have been able to lift it up, but I have not had the opportunity to absorb the legislation, as I think as important a bit of legislation needs to be reviewed.

Now, as I was saying, Madam Speaker, that rule, the requirement of 3 days for Members of this House to review legislation, is often waived by the Rules Committee. That is why the new majority made a promise during the campaign to at least provide 24 hours so that Members could review, study, attempt to absorb legislation at least with 24 hours. So that is why it is most sad, most unfortunate that the new majority is not living up to its own promises. Because I think there is a legitimate, it is a legitimate point of concern when the 3-day rule is waived. And that is why the promise was made.

So I think it is most unfortunate that the promise of the new majority to at least allow the House 24 hours to review legislation, especially as important a piece of legislation as this omnibus appropriations legislation is, that promise is not kept.

Madam Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule while closing loopholes that we have found over the last few months, that under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or report or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule as is it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

The earmark rule is also not applicable when the majority uses a procedure to accept amendments between Houses, such as they plan to do with this omnibus appropriations bill. Because the omnibus appropriations bill is not a conference report, it will fall squarely within one of the loopholes to the earmark rule, and the rules of the House will not require any disclosure of earmarks that are contained in this legislation.

I would like to direct all Members to a letter that House Parliamentarian John Sullivan recently sent to Rules Chairwoman SLAUGHTER which confirms what we have been saying since

January that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian states that the Democratic earmark rule ''does not comprehensively apply to all legislative propositions at all stages of the legislative process.''

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN.

This amendment will restore the accountability and enforceability of the earmark rule. And so, accordingly, I urge my colleagues to close this loophole in the earmark rule by opposing the previous question.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, the gentleman from Florida has a flair for the dramatic and held up the omnibus appropriations bill that is before us and says he doesn't know what is in it. Let me just highlight a few of the things that are in it that I think people need to know. In that bill there is more money than the President and the Republicans wanted for medical research and for rural health care. And I am grateful for that. And the American people are grateful for that.

In that bill, there is more money than the President and the Republicans wanted for K–12 education. All throughout this country, we hear from teachers, principals and superintendents about how No Child Left Behind is not funded. We hear about the need for more funding for special education. There is more money in this bill for K–12 education than the Republicans and the President of the United States wanted, and I am grateful for that.

There is more money than the President and Republicans wanted for renewable energy and energy efficiency. We need to get serious about dealing with global warming. We need to get serious about energy independence, but to do so requires that we fund it. For years, we have heard the Republicans talk the talk but not walk the walk. There is more money in this bill than the Republicans and the President wanted.

There is more money in this bill than the Republicans and the President wanted for homeland security, for local law enforcement. I mean, if the Republicans had their way, they would be cutting the COPS programs. The fact of the matter is, homeland security also means homeland security, and it means making sure that our cities and our towns have the law enforcement necessary to protect the people who live there.

There is more money in this bill than the President wanted and the Republicans wanted for our crumbling infrastructure. Our roads and our bridges are falling apart all across the country. I come from Massachusetts. We have bridges that are older than some of the other States in this country. Our aging infrastructure is in deep need of repair, and it requires funding to repair that infrastructure. There is more money than the Republicans and the President wanted for our infrastructure.

There is more money than the President wanted for our veterans. In fact, there is the largest increase in veterans health benefits in the history of the Veterans Administration in this bill. My friends say, Whoa, that's a bipartisan issue, the Republicans wanted it too. Where have you been for 12 years when you were in the majority? It has taken a Democratic majority to pass a bill that provides the largest single-year increase in veterans health benefits in the 77-year history of the VA.

There is more money here to help deal with the fact that so many of our people in our country are food insecure, are hungry. Higher food costs mean we need to help those who need help. There is more money for the supplemental nutrition program for women, infants and children, the WIC program. More money than the Republicans and the President wanted. There is more money for the commodities supplemental food program which is important to improving nutrition, more money than the President and the Republicans wanted.

Madam Speaker, let me also say, let me remind people why we are where we are at. This House did all of what was required of it to do. We passed all of our appropriations bills.

The problem is that we had to fight tooth and nail to pass them in the House here because of Republican obstructionism in the House. But Republican obstructionism in the Senate reached a new level where they actually blocked not only bringing appropriations bills to the floor, but actually moving to conference on a number of occasions. So here we are not content to do what the Republicans did last year, which is to do nothing, to kick the ball down the court, dump all their problems on another Congress and go home. We are going to finish this year's business. And we are going to do so in a way that maybe is not everything that I would have liked to have seen done, but nonetheless represents a dramatic departure from the priorities of the previous Congress.

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

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

AMENDMENT TO H. RES. 873

OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in section 3, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 3. The amendment referred to in section 2 is as follows:

Strike all after ''That'' and insert the following:

(1) Clause 9(a) of rule XXI is amended by striking ''or'' at the end of subparagraph (3), striking the period at the end of subparagraph (4) and inserting ''; or'', and adding the following at the end:

''(5) a Senate bill held at the desk, an amendment between the Houses, or an amendment considered as adopted pursuant to an order of the House, unless the Majority Leader or his designee has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill and amendments (and the name of any Member, Delegate, or Resident Commissioner who submitted the request for each respective item in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration.''.

(2) Clause 9(c) of rule XXI is amended to read as follows:

''(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the proposition. The question of consideration shall be debatable for 10 minutes by the Member initiation the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.''.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–495) on the resolution (H. Res. 876) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 6, ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–496) on the resolution (H. Res. 877) providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–497) on the resolution (H. Res. 878) providing for consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Suspending the rules and agreeing to H. Res. 856; suspending the rules and agreeing to H. Res. 851; ordering the previous question on H. Res. 873; and adopting H. Res. 873, if ordered.

Remaining postponed questions will be taken later.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING HEARTFELT SYMPATHY FOR THE VICTIMS AND FAMILIES OF THE SHOOTINGS IN OMAHA, NEBRASKA, ON WEDNESDAY, DECEMBER 5, 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 856, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 856.

The vote was taken by electronic device, and there were—yeas 387, nays 0, not voting 45, as follows:

[Roll No. 1163]

YEAS—387

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

NOT VOTING—45

Blumenauer
Carter
Coble
Cubin
Davis, Tom
Dingell
Ehlers
English (PA)
Gallegly
Gilchrest
Granger
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Lipinski
Loebsack
Marchant
McHenry
Miller, Gary
Myrick
Ortiz
Pastor
Paul
Pryce (OH)
Reyes
Rohrabacher
Rush
Sessions
Shays
Shuler
Slaughter
Thompson (CA)
Wamp
Weiner
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

□ 1852

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

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 1163, I was unable to vote. Had I been present, I would have voted "yea."

Mr. EHLERS. Madam Speaker, on rollcall No. 1163, my airplane flight was delayed, so I missed this vote. Had I been present, I would have voted "yea."

Mr. SHAYS. Madam Speaker, on December 17, 2007, my flight to Washington from New York was delayed and I inadvertently missed 1 recorded vote. I take my voting responsibility very seriously. Had I been present, I would have voted "yea" on recorded vote No. 1163.

HONORING LOCAL AND STATE FIRST RESPONDERS, AND THE CITIZENS OF THE PACIFIC NORTHWEST IN FACING THE SEVERE WINTER STORM OF DECEMBER 2 AND 3, 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 851, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 851.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 1164]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen

Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Blumenauer
Carter
Coble
Cubin
Davis (VA)
Dingell
Edwards
Flake
Gallegly
Gilchrest
Granger
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Lipinski
Loebsack
Marchant
McHenry
Miller, Gary
Myrick
Ortiz
Pastor
Paul
Pryce (OH)
Reyes
Rohrabacher
Rush
Thompson (CA)
Wamp
Weiner
Weller
Wexler
Whitfield (KY)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

□ 1900

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SAM JOHNSON of Texas. Madam Speaker, on rollcall Nos. 1163 and 1164, I was unable to vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, on rollcall Nos. 1163 and 1164, had I been present, I would have voted "yea."

MOMENT OF SILENCE IN MEMORY OF THE HONORABLE JULIA CARSON, MEMBER OF CONGRESS

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

Mr. BURTON of Indiana. I yield to my colleague from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate my good friend and the dean of the Indiana delegation for the recognition, and I have the sad duty, along with Mr. BURTON, in representing every member of the Indiana delegation, to inform the House of the passing of our good friend and colleague, Julia Carson from Indianapolis.

I would simply point out, under the auspices of Mr. BURTON and the Congressional Black Caucus and myself, to truly honor JULIA's life and her good work, we will have a Special Order for 1 hour tomorrow. I note this happens to be the darkest time of year as far as the winter solstice upon us, but it causes one to think about the light that JULIA CARSON has cast throughout her life. Whether it was the twinkle of her eye, that I think we are all very familiar with, or the fire that burned brightly in JULIA, compelling her every hour of every day to help those most in need, and the light of her shining example which should lead all of us to lead better lives and to do our best, her constituents, her State, this House, and this country have suffered a very great loss of a very good friend who has enlightened all of us and who has enriched ours and everyone's life she has touched. And again I very deeply appreciate the courtesy of Mr. BURTON for asking for this period of time.

Mr. BURTON of Indiana. Let me just say that JULIA CARSON was a friend of mine. I have known JULIA for a long, long time. She worked for our former colleague Andy Jacobs when he was in the House, and she did a tremendous job for him.

She started out politically in Indiana as a State representative and became a State senator. And when Andy retired, she ran for and was elected to the Congress of the United States.

She was also a trustee. One of the things she did as a trustee was she reduced the cost to the trustee's office and reduced the number of people who had to be served on the welfare rolls. I think that is very honorable that she did that. She worked so hard. As a Republican, I have to take my hat off to JULIA for reducing the cost of that township trustee's office. She did a fantastic job.

She worked here in the Congress for a long, long time. Her health started failing, as you all know, in the last couple of years, but she continued to try to serve her constituents as best she could. JULIA was loved, literally loved by all of the people she served in Indianapolis. She worked so hard and so long, and I know everybody in the Indiana delegation and in Indiana will miss her. And I know her good friend, Andy Jacobs, grieves for her as well as we do tonight.

I would just like to say that JULIA, we miss you and we wish you Godspeed.

Mr. VISCLOSKY. If we could ask for a moment of silence in the House, please.

The SPEAKER pro tempore. I ask everyone to please rise.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 873, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 183, not voting 34, as follows:

[Roll No. 1165]

YEAS—215

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

NAYS—183

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

NOT VOTING—34

Blumenauer
Coble
Cubin
Davis, Tom
Dingell
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
Kanjorski
Loebsack
Marchant
McHenry
Miller, Gary
Myrick
Ortiz
Pastor
Paul
Pryce (OH)
Reyes
Rohrabacher
Rush
Thompson (CA)
Wamp
Weiner
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

□ 1913

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 212, nays 185, not voting 35, as follows:

[Roll No. 1166]

YEAS—212

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

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)

Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—35

Blumenauer
Coble
Cubin
Davis, Tom
Dingell
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Heller
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
Kanjorski
Loebsack
Marchant
McHenry
Miller, Gary
Myrick
Ortiz
Pastor
Paul
Pryce (OH)
Rangel
Reyes
Rohrabacher
Thompson (CA)
Wamp
Weiner
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1920

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.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIA CARSON, MEMBER OF CONGRESS FROM THE STATE OF INDIANA

Mr. BURTON of Indiana. Madam Speaker, I offer a privileged resolution (H. Res. 880) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 880

Resolved, That the House has heard with profound sorrow of the death of the Honorable Julia Carson, a Representative from the State of Indiana.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions the Senate and transmit a copy thereof to the family of the deceased.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 878 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 878

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment with each of the two House amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question except that the question of adoption of the motion shall be divided between the two House amendments.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. BECERRA). The gentlewoman from New York is recognized for 1 hour.

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

I yield myself such time as I may consume, and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 878.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 878 provides 1 hour of debate on the motion by the chairman of the Committee on Appropriations to concur in the Senate amendment to H.R. 2764, the Department of State, Foreign Operations and Related Programs Appropriations Act with each of the two House amendments printed in the report accompanying the resolution.

The rule waives all points of order against consideration of the motion except those arising out of clause 10 of rule XXI, and provides that the Senate amendment and the motion shall be considered as read.

The rule directs the Chair to divide the question of adoption of the motion between the two House amendments; and, finally, it provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker.

Mr. Speaker, it is our constitutional obligation to ensure that our government is running efficiently, from our children who need quality education to our veterans who need the benefits promised to them when they put their lives on the line for their country, and to our senior citizens who need access to health care and affordable prescription drugs.

And I am proud to say that we, here in the House of Representatives, have fulfilled our fiscal responsibility to the American people by passing all 12 of our appropriations bills on time. We've also used our time this year to pass all of the 9/11 Commission recommendations, to increase the minimum wage, to promote a 21st century jobs and global economic initiative, add much needed funds to the gulf coast following hurricanes Katrina and Rita, and to undertake the largest expansion of college aid since the GI Bill in 1944.

We also passed the widely acclaimed landmark lobbying and ethics reforms standards, enacted PAYGO, resulting in no new deficit spending, and passed an unprecedented energy bill that will help our Nation to be more energy efficient, while addressing global warming.

We will not soon forget that, of the 12 appropriations bills that we were supposed to have passed in 2006 when Republicans controlled the Chamber, only two were completed. The others were abandoned, requiring the incoming Democrat majority to meet the responsibilities abdicated by an outgoing party that now claims a mantle of fiscal responsibility. Simply put, we were forced to clean up their mess.

And according to the Office of Management and Budget, President Bush and the Republican Congress increased Federal spending by nearly 50 percent, turned record surpluses into record deficits, and increased our national debt by more than $3 trillion. And let's not forget that President Bush and the Republican-controlled Congress doubled our foreign debt to more than $2 trillion, more in 7 years, Mr. Speaker,

more in just 7 years than in the previous 224 years of our Nation combined. Listen to that, America. They did more in 7 years to run up the debt than the previous 224 years of our Nation combined.

Now, all this among budget failures that vastly increased our national debt, while leaving the agencies, States and localities in limbo for months concerning their future funding. Let me add to that our children's health program.

It is simply astounding to me that the President would request an 11 percent increase for the Pentagon, a 12 percent increase for foreign aid, and $195 billion emergency funding for this terrible war, while in the same breath claiming that any increase in domestic programs needed for the citizens is fiscally irresponsible.

We all remember the promises of the Bush administration claiming that, at the most, the Iraq war would cost $50 billion. A recent report issued on November 13 states that the total economic cost of the Iraq war through 2008 exceeds $1.3 trillion, with a projected cost of $3.5 trillion; a long way from $50 billion.

I believe the New York Times Editorial Board said it succinctly in their editorial published last week when they wrote, and I quote, ''We know what's behind President Bush's sudden enthusiasm for fiscal discipline after years of running up deficits and debt: Political posturing, just in time for the 2008 election.''

But one should not forget the damage that his administration inflicted by shortchanging domestic programs in favor of tax cuts for the wealthy and his never-ending Iraq war.

I will submit this editorial for the Congressional RECORD.

[From the New York Times, Dec. 11, 2007]

DISABLED, AND WAITING FOR JUSTICE

We know what is behind President Bush's sudden enthusiasm for fiscal discipline after years of running up deficits and debt: political posturing, just in time for the 2008 election. But one should not forget the damage that his administration has also inflicted by shortchanging important domestic programs in favor of tax cuts for the wealthy and his never-ending Iraq war.

A case in point is the worsening bureaucratic delays at the chronically underfunded Social Security Administration that have kept hundreds of thousands of disabled Americans from timely receipt of their Social Security disability benefits.

As laid out by Erik Eckholm in the Times on Monday, the backlog of applicants who are awaiting a decision after appealing an initial rejection has soared to 755,000 from 311,000 in 2000. The average wait for an appeals hearing now exceeds 500 days, twice as long as applicants had to wait in 2000.

Typically two-thirds of those who appeal eventually win their cases. But during the long wait, their conditions may worsen and their lives often fall apart. More and more people have lost their homes, declared bankruptcy or even died while awaiting an appeals hearing.

In one poignant case described by Mr. Eckholm, a North Carolina woman who is tethered to an oxygen tank 24 hours a day has been waiting three years for a decision. She finally got a hearing last month and is awaiting a final verdict, but, meanwhile, she has lost her apartment and alternates sleeping at her daughter's crowded house and a friend's place.

The cause of the bottlenecks is well known. There are simply too few administrative law judges—1,025 at present—to keep up with the workload. The Social Security Administration is adopting automated tools and more efficient administrative practices, but virtually everyone agrees that no real dent will be made in the backlog until the agency can hire more judges and support staff.

The blame for this debacle lies mostly with the Republicans. For most of this decade, the administration has held the agency's budget requests down and Republican-dominated Congresses have appropriated less than the administration requested. Now the Democratic-led Congress wants to increase funding to the Social Security Administration, and the White House is resisting.

Last month, Congress passed a $151 billion health, education and labor spending bill that would have given the Social Security Administration $275 million more than the president requested, enough to hire a lot more judges and provide other vital services. But Mr. Bush vetoed that bill as profligate.

Democrats in Congress are working on a compromise to meet Mr. Bush halfway on the whole range of domestic spending bills. The White House is not interested in compromise.

If the president remains intransigent, federal agencies may have to limp along under continuing resolutions that maintain last year's spending levels. That would likely, among many other domestic problems, crimp any new hiring at the Social Security Administration and might require furloughs, leading to even longer waits. Mr. Bush should back down from his veto threat and accept a reasonable compromise. Both sides should ensure that real efforts are made to reduce these intolerable backlogs.

Mr. Speaker, this week's actions by the President is just one thread in the appalling tapestry that this administration has in its misplaced policies.

Democrats believe that running this House right is a matter of pride. We believe it's a matter of having fundamental respect for both the institution in which we serve and for the citizens who have given us the privilege to serve here.

□ 1930

In the spirit of working together, we Democrats in Congress collectively extended our hand to those on the other side of the aisle, including the President, to reconcile our differences and pass this important spending bill.

In return, we received nothing but the same obstructionism that has plagued our body and our counterpart on the other side of the Capitol.

And today, those same Members who once enjoyed the splendors of having a majority in the House, the Senate and a Republican President, now chastise the Democratic Congress for trying to solve their own fiscal blunders. But their cries ring hollow, Mr. Speaker.

Democrats have crafted this omnibus appropriations bill that invests in the American people's priorities, that protects our troops and invests in the homefront, and restores funding to the President's devastating cuts to medical research, to college assistance, to job training, and education and health care.

And when my fellow Members of Congress and I cast our votes on this floor this evening, we seek to reconcile our ideals with what is possible to achieve. We seek to do both what is right in principle and necessary at any particular point in time and pray that the two are one in the same.

In this bill, we fund programs for medical research, and we provide 280,000 more underinsured Americans with access to health care. We added extra funds for title I, special education, teacher quality grants, after-school programs, and Head Start, while also adding more for Pell Grants and other student aid programs.

We added extra funds above the President's request to help local communities hire and train more local law enforcement, while also adding more in homeland security grants to better secure our Nation. We also have met the guaranteed levels set in the authorization bill while adding funds for our bridges, which sorely need it.

We invest in solar and wind energy, biofuels, and energy efficiency, while also promoting scientific investments and conservation efforts.

And I would like to stress that this bill provides $3.7 billion in additional funding for our veterans health.

Mr. Speaker, we all agree that it is unfortunate we are forced to pass an omnibus to get our work done at the end of the year. This is especially disheartening because we Democrats in the House of Representatives have been absolute in our pledge to fund important programs and help the American people. And this omnibus comes only as a remedy to the obstructionism in the other body.

The President should accept this reasonable compromise and sign it into law. It is a crucial bill that will keep us on our course of fulfilling our promises to the American people, and I believe it is a clear demonstration of the Democrats' devotion to being fiscally responsible with the money given to us by our fellow citizens.

As I shared a quote from an editorial from the New York Times earlier, I would like to close with another quote published on November 26. It states: ''It is clear that Mr. Bush's threat to veto Congress' proposed spending bills has nothing to do with fiscal discipline. It's all about appealing to his base and distracting attention from his failings, like Iraq. Mr. Bush will no doubt persist in that mode as long as his Republican allies allow him to.'' I could not agree more.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank my friend, the distinguished chairwoman of the Rules Committee, for the time; and I yield myself such time as I may consume.

This morning I woke up to the news that the majority had posted on the Rules Committee Web site the omnibus appropriations bill that we are considering tonight. The majority posted this bill, approximately 3,500-page bill, after many Members had retired for the night. So that effectively made it impossible for many of us to even begin to see what was in this legislation obviously until many hours after that.

When the new majority took over, they promised, Mr. Speaker, that they would give at least 24 hours to review legislation before it comes to the floor for a vote. The rules of the House require 3 days. Oftentimes the Rules Committee through the years has waived that requirement, and that's why it's very interesting to note and I think very relevant to note that the majority made a promise that at least 24 hours would be provided for Members to review, to attempt to understand legislation to make sure that the legislation doesn't have provisions that Members would oppose.

During testimony 2 weeks ago at the Rules Committee, Members from the minority expressed our concern with the prospect that the majority would rush through a very large appropriation bill spending, as in this case, approximately a half a trillion dollars without giving Members time to properly read and understand the bill. One particular area of concern was with the possible inclusion of earmarks that Members would not have an opportunity to review before voting on them.

On the opening day of the 110th Congress, the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER, addressed the House to speak about the majority's changes to the House rules. During her speech, she addressed the issue of earmarks and how the majority claimed to deal with the issue.

Today, as we consider this rule for this omnibus bill, I think it's appropriate to look back and see what the distinguished chairwoman said the majority would do to bring transparency to the earmark process.

''The rules that Thomas Jefferson first wrote down two centuries ago provide for order and discipline in the House. They provide for transparency and accountability. If they are followed, corruption will be exposed before it has a chance to take root. Democrats are going to follow the long-established rules of the House, instead of treating them as impediments to be avoided. We are going to allow Members to read bills before voting on them and prevent them from being altered at the last minute.

''The rules package will finally shed light on an earmarking process that has greased the wheels of corrupt House machinery. It requires the full disclosure of earmarks on all bills and conference reports before Members are asked to vote on them.''

Now, Mr. Speaker, let's compare those promises with today's rule. The rule provides for consideration of this legislation, H.R. 2764. But because the majority is moving the appropriations bill as an amendment between Houses and not a conference report, the bill will fall squarely within one of the loopholes to the earmark rule, and the rules of the House will not require any disclosure of earmarks that may be contained in the legislation.

So this bill is not subject to the earmark rule which the majority claimed would bring transparency and accountability to the earmark process. The majority should not be asking Members to vote on a bill that may include numerous earmarks that no one has vetted and no one has seen.

We've already seen this loophole in action when we debated H.R. 6, the energy bill. The legislation came to the floor also as an amendment between the Houses; and as such, it too was exempt from the earmark rule. Yet it included earmarks that were not discovered until after passage.

So, yes, the majority ''directs the Chairman of the Committee on Appropriations to insert in the CONGRESSIONAL RECORD at any time during the remainder of the first session of the 110th Congress such material as he may deem explanatory of appropriations measures for the fiscal year,'' but there may be problems with that provision.

I did see that the distinguished chairman of the Appropriations Committee did list earmarks in the bill, but the requirement does not say exactly what material the chairman is required to insert, just what ''he may deem explanatory.'' It does not require him to list all earmarks. So earmarks in the bill could have been omitted from the statement.

Second, the provision allows the chairman to insert the explanation into the CONGRESSIONAL RECORD at any time during the first session of the 110th Congress. So in theory, the chairman may still have some time to insert an explanation after both Houses of Congress pass the legislation and the President signs the legislation into law.

We were so concerned with this procedural loophole during a recent markup that in the Rules Committee Mr. DREIER offered an amendment to the rule to require that the chairman of the Appropriations Committee provide the list of earmarks required by clause 9 of rule XXI for the omnibus appropriations bill. Unfortunately, that amendment to the rule was rejected along partisan lines.

Because of this loophole in the earmark rule, I, along with Mr. DREIER, Mr. HASTINGS and Mr. SESSIONS, have sent a letter to Chairman OBEY asking him to ''adhere not just to the letter of clause 9 of rule XXI, but to its spirit as well and provide the Rules Committee and the House with a list of earmarks contained in the omnibus appropriations bill prior to consideration by the Rules Committee.''

Mr. Speaker, I submit that letter into the CONGRESSIONAL RECORD at this point.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2007.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN OBEY: Today the Committee on Rules reported a ''martial law'' rule to provide for the same day consideration of an omnibus appropriations vehicle. That measure also includes a provision giving you the option of inserting extraneous explanatory material in the Congressional Record for appropriations measures for the remainder of this session.

During the markup of that measure, we offered an amendment to the rule to require that you provide the list of earmarks required by clause 9 of rule XXI for the omnibus appropriations measure. Unfortunately, that amendment to the rule was rejected along partisan lines.

Mr. Chairman, we know that you have made an effort during this Congress to provide transparency for earmarks contained in bills coming through your committee. However, because the omnibus appropriations bill will be considered as a Senate amendment to a House bill, it falls squarely within one of the loopholes of the earmark rule and the Rules of the House will not require any disclosure of earmarks that will be contained therein. As you were the presiding officer over the motion to concur in the Senate amendment to H.R. 6, the energy bill, you are well aware that no list of earmarks was provided for that measure because it fell within the same loophole.

We respectfully request that you adhere not just to the letter of clause 9 of rule XXI, but to its spirit as well and provide the Rules Committee and the House with a list of earmarks contained in the omnibus appropriations bill prior to consideration by the Rules Committee. That kind of disclosure will be in the best interest of the House, its Members, and the Nation.

We appreciate your willingness to consider our request.

Respectfully,
DAVID DREIER.
DOC HASTINGS.
LINCOLN DIAZ-BALART.
PETER SESSIONS.

I would simply say that as of today we have not received a response to that letter.

Mr. Speaker, I ask when it is appropriate to do so, where is the transparency and the accountability promised when the majority in effect, in practice continues to systematically circumvent its own rules and violate its own promises?

Mr. Speaker, at this time I reserve.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentlelady from New York, the chairwoman of the Rules Committee.

I rise in a somewhat curious posture, and that is, to support the job that has to be done on behalf of the American people. So I would call this the responsible serving of the American people's spending bill. That's what Democrats have attempted to do today.

I remind my colleagues that most of the appropriations bills, I would say all

of them, have been passed out of this body, and certainly the predicament that we find ourselves in is because of the administration's refusal to prioritize on behalf of the needs of veterans; the needs of major research institutions; a failing job market that needs increased job training dollars; the young people of America who want a future and, therefore, college assistance; and then recognizing the importance and the crucialness of access to health care; a good energy policy; and certainly the needs of repairing the transportation system of America.

I'm grateful that we have reprogrammed dollars to include money for research, job training, college assistance, access to health care, and as well, that we're reminded that we must ensure the safety of this Nation, while fighting, of course, to preserve the transportation centers of excellence, the letter that I wrote to ensure that funding for that would be included.

And though we talk sometimes without understanding about the concept ''earmark,'' it is for the community of Houston, Texas, and the 18th Congressional District more early childhood education, more homeland security dollars for a constable's office. It is more dollars for a mental health facility, and it is recognition of more technology for our local first responders.

So I rise today to express the dilemma, when we have three branches of government, to refute any accusations of the postures that Democrats are in. Democrats are fighters. It is because of a budget mark and a stance by this administration to demand $120 billion for a war that is not working that puts us in a position not to be able to service the needs of the American people.

□ 1945

So we will continue this fight and we will stand strong and tall for those who are in need.

And I look forward to the Military Success Act of 2007 that I have authored being debated on this floor to acknowledge that the military has finished their work, it's time to bring them home and to reward them in honor and medals for what they have done in Iraq and to ensure that the people of America receive a spending bill that serves the needs of the American people.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 6 minutes to the distinguished former member of the Rules Committee, my friend from Georgia, Dr. GINGREY.

Mr. GINGREY. I thank my colleague for yielding.

Mr. Speaker, I want to remind the previous speaker that this body and the other body passed a spending bill for our veterans increasing by $4 billion over 3 months ago, and the President made very clear, emphatically stating that he was ready to sign that bill to get this money to our veterans, and the Democratic leadership has made a decision, for whatever reason, not to send that bill to the President. So I think it's important to point that out.

Mr. Speaker, I rise tonight in opposition to the rule and to the underlying bill in its present form. In regard to the rule, I can't expound and do any better than the comments that the senior Republican long-term member of the Rules Committee has just outlined, the gentleman from Florida. That stack of 11 bills in this omnibus sitting in front of the gentleman from Florida is almost as large as the Internal Revenue Code, which I understand is as thick as nine Bibles. Mr. Speaker, that's probably as thick as at least six Bibles, and every rule has been waived. And all this business about earmark reform, it makes a total mockery of that. So, Mr. Speaker, from the standpoint of the rule, absolutely I am opposed to it.

We need earmark reform. I have submitted legislation to cut earmarks by 50 percent immediately and then 1 percent of discretionary spending in the subsequent year and to say that no Member of this body, no matter how powerful, should have a larger bite at the apple in regard to Member-directed initiatives, or what the general public, who's so outraged at that process, knows as pork and/or earmarks.

In regard to the bill itself, my colleagues, I'm sure, hopefully on both sides of the aisle, will be opposed to this omnibus because there's not one penny, Mr. Speaker, not one penny of money for our troops in Iraq. That in itself is a reason why absolutely I would be opposed to this omnibus. But, Mr. Speaker, there's more. There is much more when we look into the weeds and finally see some of the things in these bills.

Last year this body voted to strike language from the energy and water bill that would not allow the Corps of Engineers to update manuals in regard to how they control water releases from certain dams in the Southeast where we are suffering from a severe drought, Mr. Speaker. And yet this same language now is stuck in on the Senate side, and it's in this omnibus bill that would prohibit the Corps of Engineers from updating these 25-year-old manuals, making the drought in the Southeast worse than it has ever been. And, Mr. Speaker, I want to point out the fact that in this body last year when we voted to remove that language from those bills, Speaker PELOSI voted to remove the language; Majority Leader HOYER voted to remove the language; Appropriations Chairman OBEY voted to remove the language; Minority Leader BOEHNER voted to remove the language; and every subcommittee chairman on the Appropriations Committee, the so-called cardinals on the Democratic side, voted to remove that language. Now it's in there sort of air-dropped on the Senate side.

There are other things in here, Mr. Speaker, that I am so much opposed to. There's increased funding for title X, almost $17 million for Planned Parenthood and abortion providers, but there's no increased funding for critical abstinence education, which goes a long way to ensure that abortion services wouldn't be needed, Mr. Speaker.

There is $2.9 billion in here, Mr. Speaker, to provide for security on our southern border, to build that fence that this body has called for; yet there are all kinds of restrictions. In fact, the committee says 15 conditions have to be met before this money can be spent on 300 or 400 miles of fencing on our southern border that we so desperately need, and at the same time there's millions of dollars in this omnibus, Mr. Speaker, that provides legal defense funds to defend illegal immigrants who are in this country. I just don't quite understand the logic of that, Mr. Speaker.

I am sure my colleagues are as confused as I am over this gimmick of advanced appropriations. But how does this body say that we are going to spend $2.4 billion additional money on Labor-HHS and say that we are not going to count it against this year's appropriation, that it's going to be counted in 2009, this so-called advanced appropriation? Is it an emergency, Mr. Speaker, to spend $100 million to provide security at the upcoming Republican and Democratic National Conventions? Is that, my colleagues, what we would call money that needs to be spent in an emergency?

And last but not least, Mr. Speaker, I put language in an appropriation bill that would not allow funding for States that mandate that our little girls in the fourth and fifth grade, our 9-, 10-, 11-year-old children, could not attend public school unless they receive a shot against human papillomavirus, a sexually transmitted disease, not a communicable disease like measles, mumps, and whooping cough. Unfortunately, this funding is allowed in this omnibus, but my language is removed.

So for many, many reasons, my colleagues, vote ''no'' against the rule and vote ''no'' against this bill when it comes to us in its present form.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin, chairman of the Committee on Appropriations, for a response.

Mr. OBEY. Mr. Speaker, even though it's not Halloween, I'm concerned that some Members may be seeing ghosts. So I simply want to say that the gentleman from Florida raised concerns that because this is an amendment between the houses that we might not be fully disclosing earmarks.

Let me simply point out to the House that the gentleman's claims are misplaced. Early this afternoon I submitted for printing in the RECORD a lengthy and complete explanatory statement, the same statement that went on the Rules Committee Web site last night. That statement contains full and complete disclosure of all earmarks. We did that disclosure exactly

as if this were a conference report. Nothing has been left out that would have been required if this had been a conference report.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this rule and the omnibus appropriations bill.

This is good news from Washington. We can always find problems with things if we look for them. For education, for veterans, for health care for children, many other programs, these are things people have been waiting for.

And I'm very pleased that the House is scheduled to vote on a disaster assistance package to provide relief to our farmers suffering from record droughts in the Southeast. My farmers are hurting, and this omnibus appropriations bill will provide some $600 million for disaster assistance.

My congressional district in North Carolina has been afflicted by what's called ''Exceptional Drought.'' This is the most serious category in America. Every county in the State is experiencing drought conditions. The whole Southeast is experiencing record drought. This aid will bring real relief to rural communities.

I have been proud to lead this effort. In September I wrote a bipartisan letter to the President signed by 54 of my colleagues from both political parties to make the case for disaster relief. I've been very pleased to work with Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, Agriculture Committee Chairman PETERSON, and Appropriations Committee Chairman OBEY to get this done, and I want to thank them for their leadership, and our farmers thank them.

I grew up on a Johnston County farm, and I have lived in a farm community all my life. And as a senior member of the House Ag Committee, I am pleased that we have finally gotten this football into the end zone. Now we will do the clincher. This disaster assistance is a major achievement and an important step forward for America's farmers.

I urge my colleagues to join me in voting for this rule and then voting for the underlying omnibus bill that will make a difference not only for rural America but for all Americans.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Washington, the chairman of the Appropriations Subcommittee on Interior, Environment, and Related Agencies (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in support of this rule and the omnibus appropriations bill.

For better or worse, it is the Appropriations Committee that is charged with the job of making the difficult choices that provide the best mix possible of funding levels for competing programs. The interior and environment portion of this bill is the product of the difficult choices that had to be made as a result of the President's insistence that we cut $22 billion from the levels approved by the House 6 months ago.

The final allocation for the Interior Subcommittee was $26.6 billion, essentially flat funding at the 2007 enacted level, because we were unable to achieve a compromise with the President that would have allowed for modest growth in the Interior and related agencies as well as the Environmental Protection Agency. I would remind my colleagues that since 2001, these same accounts have been reduced drastically. Interior has been cut by 16 percent, EPA by 29 percent, and the nonfirefighting accounts in the Forest Service by more than 35 percent.

In allocating these funds in this omnibus bill, our subcommittee, on a bipartisan basis, could have frozen funding for all programs at the Department of Interior, EPA, the Indian Health Service, and the Forest Service at the 2007 enacted levels. Alternatively, we could have approved deep reductions proposed by the President for the Forest Service, Indian health clinics, fire preparedness programs, clean air State grants, PILT payments or Land and Water Conservation Fund and Conservation Grants.

We did not choose either of these approaches. Instead, we chose to produce a conference version that was consistent with the priorities established in the House-passed Interior appropriations bill, reflecting the input from Members on both sides of the aisle and from 41 hearings held by our subcommittee this spring. The final version reflects the input of hundreds of individuals and organizations during these hearings.

The bill includes an increase of $123 million for the National Park Service operational accounts to fund an additional 1,500 FTE positions. This staff will help reinvigorate the Park Service for its centennial in 2016. An additional $24 million is included as interim funding for the new centennial matching grants program for 2008. This will get the program going while the authorizing committees complete negotiations to find a funding source for this new mandatory program. An increase of $39 million is provided for our national refuge system to begin refurbishing our refuges and replacing the 600 positions which have been lost since 2004.

□ 2000

$145 million is provided for the National Endowment for the Arts, an increase of $20 million, to partially restore this program to the levels 12 years ago. The gentlewoman from New York has been my partner as we fought to restore this program to the levels of 12 years ago.

The bill includes an increase of $165 million for the Indian Health Service to cover medical inflation and ensure adequate medical care for Native Americans, one of this country's most disadvantaged populations.

An increase of $169 million over the 2007 level is provided for various firefighting programs, $81 million more than requested by the President. And $188 million is provided for climate change programs, including $43 million for the EPA and $32 million at the U.S. Geological Survey. Included for the USGS is $7.5 million to expand its climate research, of which $2.5 million is for a new global warming and wildlife center.

$20 million is provided for the EPA geographic program to ramp up the cleanup of Puget Sound, which is the Nation's second largest estuary and which has been in serious decline.

In this bill, we have also addressed the very serious environmental challenges that exist in the Chesapeake Bay, the Great Lakes, and other major bodies of water in the United States. These increases represent a significant redirection of funds to priorities which we believe serve the country's present and future needs and have not been adequately addressed by President Bush. But the President's requirement that our bill be reduced by $1 billion below the original House level has forced us to make very painful reductions. As I said at the beginning, these were tough choices.

Mr. Chairman, in concluding these remarks, I want to thank Mr. TIAHRT. And I would like to say to my colleagues on the Republican side, I have never seen a year in which Democrats and Republicans at the committee level, at the subcommittee level have worked better and have had better information on both sides of the aisle and have worked to adequately address earmarks to reduce the number of these earmarks very dramatically. So I would say that there has not been a lack of cooperation. There has been outstanding cooperation on the entire subcommittee.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise today in opposition to the rule and in particular opposition to this ominous omnibus bill that comes to the floor of the Congress today.

I am tempted to say to the American people, Here comes the bus, but I'm not going to get on, because this legislation represents a fundamental failure of the legislative process.

Eleven separate appropriations bills balled into one, the sheer tonnage and weight that has been visible on the

screens of America tonight give evidence that this government is broken, and this budget process is broken; 3,500 pages, 34 pounds, and Members of the minority have had, at this very hour, roughly one day to review its contents.

This legislation, which we'll consider under this rule, will cost approximately $515 billion, including $44 billion designated as so-called ''emergency spending,'' and over $10 billion in other budget gimmicks being used to artificially lower the cost.

Now, I want to commend President Bush and the men and women of good will in this Congress who have worked to lower the cost of this legislation from its House- and Senate-passed versions. There have been improvements on the margin. There has been lipstick placed on this pig, but it's still a pig; and the American people are soon to find that out.

Let's take, for example, this legislation includes $31 billion for military operations in Afghanistan for protective equipment for troops overseas, but it does not include one dime to fund our troops in harm's way at this hour serving in Operation Iraqi Freedom. I say to my patriotic colleagues in the other party, that is unconscionable that we would bring before this Congress a spending bill which, for some purpose, serves some audience far to the left of this Chamber, I suspect, who are not including a single cent for our soldiers in harm's way.

And this omnibus contains over $11 billion in so-called ''emergency'' and ''contingency'' spending. Let me favor my colleagues with some of the emergency provisions in this bill: $20 million for salaries at the Farm Service Agency, apparently salaries of employees at the Farm Service Agency unanticipated; $8 million for salaries at the Department of Justice, legal activities and salaries also at DOJ; salaries and expenses for everything from the U.S. Marshal Service to U.S. Attorneys. I mean, Mr. Speaker, where is the surprise in the emergency of finding out we have employees at the Department of Justice? And my own personal favorite here, we have a legislative emergency in the form of $100 million for Presidential security at political conventions. This is the so-called ''emergency spending'' which those who will point to this legislation as having come in at or near the President's numbers will not include these provisions. And there are so many more that will be explored in the months ahead.

This bill is also chock-full of the very worst kind of pork barrel spending. Let me say, Mr. Speaker, I requested earmark projects for my district, and there are some necessary infrastructure projects in this legislation for eastern Indiana. I brought every single one of them through the ordinary committee process in the light of day. But there are, we must assume, thousands of so-called ''air-dropped'' earmarks in this legislation which will not come to light until after this legislation is signed into law.

So it's what we don't know in this legislation that frustrates me the most; 24 hours, I say again, Mr. Speaker, 24 hours to review 3,500 pages and 34 pounds.

Twenty years ago, President Reagan came to this podium and said these words: ''The budget process has broken down. It needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas,'' he said, ''budget deadlines delayed or missed completely, hundreds of billions of dollars worth of spending packed into one bill, and the Federal Government on the brink of default.'' So said Ronald Reagan before this Congress two decades ago. The more things change, the more they seem to stay the same.

I was a harsh critic of reckless and wasteful spending when my party was in control; and I rise, respectfully, to register the same dissent. We can do better, Mr. Speaker. The American people expect from this Congress, whatever its management, whichever party, to do better than to pile into a heap our unfinished business the week before Christmas and send it all to the President without the light of day.

Ms. SLAUGHTER. Mr. Speaker, I am going to yield 30 seconds to the gentleman from Wisconsin, the chairman on the Committee on Appropriations, Mr. OBEY.

Mr. OBEY. Mr. Speaker, let me simply point out that the last year the Republicans were in control we had $16 billion in earmarks. This bill tonight cuts that by 42 percent. The gentleman squawks about the emergency spending; 86 percent of the emergency funds in this bill were requested by the administration.

With respect to his charge that we have 34 pounds in this budget in order to pass the domestic appropriation bills this year, that's absolutely correct. It's very heavy. You can double the weight by only printing on one side, as the gentleman has done, but the fact is, do you know how high the stack was a year ago? Here. Do you see anything? It's because you didn't pass any domestic appropriation bills whatsoever. I'll take this over nothing any time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members to address their remarks to the Chair.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 5 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

It's a fascinating evening that we find ourselves in, to be asked to somehow, in less than a day, in fact, as I understand it, Mr. Speaker, this bill was filed after midnight. So on the very same day we're being asked to consider a bill, which all of America can see here, which is over 3,000 pages long.

Now, when the Democrat majority came in, they said, well, this was going to be the most fair and democratic Congress that we've ever had, that somehow a new day was dawning, that they would do business in a different way. I have not been a fan of omnibus spending legislation when my party was in control. I voted against the omnibus. It's no way to run the railroad, Mr. Speaker. In fact, when my party was in control, if an omnibus was passed, I note, for example, if I look at the CONGRESSIONAL RECORD of January 4, 2005, that to bring an omnibus piece of legislation to the floor by waiving the 3-day rule was described as ''martial law'' by then-Minority Leader PELOSI, now Speaker PELOSI. It's in the RECORD, Mr. Speaker. Look it up.

So somehow when she's the minority leader, Mr. Speaker, it's not okay to bring this monstrosity; in fact, it's tantamount to martial law. And yet we've heard that this is going to be such an open and democratic and fair Congress. So what is it, Mr. Speaker? Is it martial law, is it not martial law, to expect Members who haven't even seen the bill, much less read the bill, to vote on it tonight?

I heard the distinguished chairman of the Appropriations Committee come and speak to us about earmarks. Well, again, this was the leadership team that claimed that they would do better. And as I look at it, when you add in the earmarks in the one appropriations bill that was passed by regular order, you're still looking at the third highest amount of earmarks, I believe, in the history of the Republic.

Now, the Speaker herself said, and I don't have the quote in front of me, but something along the lines that she would just as soon do without earmarks. But as I've read the legislation, she doesn't appear to be leading by example in that regard.

Mr. Speaker, there are very few people who know what is in this bill. But what I do know is it spends the people's money with very little accountability. I was at a town hall meeting in my district, and I have the honor and privilege of representing the Fifth Congressional District of Texas. I was in Athens, Texas, and a constituent, a very wise man, came up to me and said, You know what? I don't think that any Member of Congress should be allowed to vote on a piece of legislation unless they've read the bill, which I guess might lend this evening's vote to one, maybe two, Members, maybe no Members. There's something to be said for that. A bad process can lead to bad outcomes, and this is a bad outcome. It spends too much of the people's money. It continues to grow the government budget faster than the family budget, the family budget that has to pay for it.

Mr. Speaker, I'm a member of the House Budget Committee. I see several of my colleagues on the Democrat side who are also serving on that Budget Committee. And we just heard testimony from the head of the Congressional Budget Office, which I might add

was an appointment under this majority, this Democrat majority, who said that if we don't change the spending patterns of the Federal Government that within a generation we're looking at doubling taxes on our children and grandchildren.

Now, you can go check the RECORD. And it's not just the head of the Congressional Budget Office; it's the head of OMB, it's the Comptroller General. And yet we are asked to vote on an omnibus piece of legislation that, once again, sets us on this path to double taxes on the next generation. It's just unconscionable. Again, it robs the family budget to pay for the Federal budget.

And here's something else that's unconscionable about this: in this omnibus, we're going to pay to fund some bureaucrat in the bowels of the Commerce Department, but we won't pay for the men and women in our Nation's uniform fighting for liberty in Iraq. Well, last I looked, they're part of this Federal Government as well. They're wearing our Nation's uniform. They get paychecks drawn on the U.S. Treasury. But somehow we can find the ability, in this 3,000-page bill, to pay for every bureaucrat in Washington; but we won't fund the men and women in harm's way in Iraq. Also unconscionable.

There are so many reasons, Mr. Speaker, that this rule should be voted down, as should the entire bill.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California, the chairman of the Committee on Education and Labor, Mr. GEORGE MILLER.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

□ 2015

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, I want to thank the gentlewoman for yielding, and I want to recognize the difficult choices that the Appropriations Committee had in dealing with the education portion of this legislation. At a time when this administration is almost $55 billion behind its promises to the American people, to the parents of this country, to the children of this country, to the educators of this country, of the resources that would be available in title I, we find that, in fact, we are only going to be able to add about $1 billion, a little over $1 billion this year, which is completely insufficient, at a time when schools and school districts are struggling to make the reforms required under No Child Left Behind.

But I want to thank the Appropriations Committee, because as difficult as that choice is to only provide that small amount of money, they were able to make of that portion of the money almost $500 million available to schools in need of improvement. These are schools that we were supposed to have started helping out 3 and 4 years ago. This is the first time this money has ever been put in this budget to help these schools that have been recognized as needing very substantial improvement to improve the opportunities of the children in those schools for a decent education, but this bill is the first time that we have done that. The administration has ignored that over the last 6 years.

I also see that the committee was able to restore some of the money for educational technology, a subject that is becoming more and more important in terms of improving our schools, improving the opportunity of students to learn, and improving opportunities for students to understand the technologies that they are going to have to grasp in the workplace and in higher education. The President's budget zeroed that money out. The Appropriations Committee, under the leadership of Mr. OBEY, was able to restore almost all of it, the money that was available in the last year.

Now I see that we have been able to add $259 million to IDEA, which is able to take it above the President's request, which was a cut in education for students with disabilities. Once again, the Republicans, when they were in the minority, promised that they would fully fund IDEA because districts are struggling with the education of students with disabilities, and they signed letters, they passed resolutions, they did all of it. The day they came in power, they stopped funding IDEA. So it has been flat-funded while school districts struggle with both trying to deal with school reform and the education of students with disabilities.

So this committee, I think, made some good choices, difficult choices, insufficient choices. But if you look at what the President had recommended for educational technology, if you look at what the President had recommended to help schools with English learners in those schools, this is a dramatically better budget, but an insufficient budget for the education, but it is completely insufficient for the education of America's children. Don't go home and tell your constituents how well you understand the tools that they need to compete in a globalized world, in a globalized economy, because you have absolutely failed to provide them, and this administration has failed to provide them.

Fortunately, the Appropriations Committee has been able to recalibrate some of the numbers and to move some of the money around for these high-priority areas. I am only so sorry that we weren't able to do better by America's children and their families.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, a prior colleague who spoke said that this 34-pound bill was that size and weight because of our photocopying. I just want to make clear for the RECORD that it was handed to us by the majority like that.

I yield 3½ minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, those of us who have teenage kids at home know very well the saying ''nothing good happens after midnight.'' That is why you have a curfew. Nothing good happens after midnight.

I would say the same holds true when you are putting together an omnibus. Here is what you get when you pass an omnibus and you present it after midnight; 34 pounds, some 3,400 pages of documents here that we have no idea what is in there. Any Member who says that he has read it isn't telling you the truth. Nobody has read through this thing. We will be discovering for months items that are in this bill that we simply don't know. Preliminary analysis, and you will hear me say this several times, because that is all you can do is a preliminary analysis, a cursory reading will tell you that there are 9,241 earmarks in this omnibus bill.

Now, we earlier in the year passed a couple of bills without any earmarks in saying we would probably be nearly earmark free when it comes to the omnibus, or when it comes to the end of the year, MILCON and I think Homeland Security, because typically, particularly Homeland Security, that bill is not traditionally earmarked. Well, guess what? It is now. There are well over 100 earmarks in the Homeland Security one, and I think over 150 in the MILCON, earmarks that I have never seen, I don't think anyone in this body has seen until midnight last night. So those are air-dropped earmarks, more than 300 of them, I think, in this bill that we have had no opportunity to see, let alone challenge on the House floor, we are just seeing for the first time now.

Let me just give you an idea of what happens when you do things after midnight. Here are a few of the earmarks that were slipped in. These, by the way, we are always told that you have to leave it open to air-dropped earmarks because there are vital things that need to be done. Maybe there is a natural disaster somewhere, something that you have to account for. Well, here is what was added last night. One was a $1.8 million earmark for the East Capitol Center for Change, Capitol Area Asset Building Corporation, and the National Center for Fatherhood to administer Marriage Development Accounts in the District of Columbia. That is something that couldn't wait for a regular bill to go through? Did we have to do that in the middle of the night? How about $400,000 for the Burchfield-Penny Art Center in Buffalo? The Burchfield-Penny Art Center was so important that we had to air-drop it into this bill and not have any challenge, any way to challenge it on the House floor.

Let me remind my colleagues that we agreed in the transparency rules earlier this year that if there were air-dropped earmarks into a bill, we would have an opportunity to offer a point of

order to strike them out, to at least eliminate them. We can't do that here because this is not a conference report. This is an amendment between the Houses.

We have had that before. Rules are only as good as your willingness to enforce them, and we have seen a pattern of unwillingness to enforce the rules or to seek ways around them. Now, some will stand up and brag and say, Hey, we have 40 percent fewer earmarks here than we had 2 years ago. They will say we have 40 percent fewer, the dollar value is down. Well, if you look at last year, we have, I think the figure is, about 400 percent more earmarks than last year. It is hardly, hardly a mark of fiscal discipline to have 9,200 earmarks in this bill when you have already had 2,000 pass in the defense bill. For one, that is not a 40 percent reduction, and two, it is about a 400 percent addition to last year.

Let's reject this rule and reject this bill.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York, the chairwoman of the Appropriations Subcommittee on State, Foreign Operations and Related Programs, Mrs. LOWEY.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the rule and of the Consolidated Appropriations Act, specifically division J on State and Foreign Operations. Division J reflects a bipartisan, bicameral effort by Ranking Member WOLF, myself, Senator LEAHY and Senator GREGG to address our strategic priorities, national security interests and invest in development, poverty reduction and global health. I also wanted to thank Speaker PELOSI and Chairman OBEY for their knowledge and their commitment to the priorities in this bill.

Just a few highlights. For those of us who did read the bill, what do we have, 20 hours, 3,500 pages. I am sure if you all divided it up, you would have a good understanding of what is in that bill.

Some highlights: $6.5 billion, $796 million above the President's request, for HIV/AIDS and other global health programs; $1.5 billion to address humanitarian emergencies, including Iraqi refugees; $550 million for the U.N. peacekeeping mission in Darfur, funding for Liberian security sector assistance and increased assistance for Africa; an expansion of basic education, safe water, environmental programs; $1.544 billion, 344 million above the Senate-passed level, for the Millennium Challenge Account. This funding will allow them to undertake all planned compacts and threshold programs this year. It maintains Israel's qualitative military edge. It maintains our development and security assistance to the people of Pakistan, assistance central to helping them fight al Qaeda, the Taliban and associated terrorist groups.

And I want to especially thank our staff for their tireless work in crafting the bipartisan bill, the division J of this Consolidated Appropriations Act. This bill will help make America be more secure and improve the lives of millions around the world, and I encourage my colleagues to vote for this bill.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend how many speakers she has remaining.

Ms. SUTTON. We have two speakers remaining.

Mr. LINCOLN DIAZ-BALART of Florida. I would reserve at this time.

Ms. SUTTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas, the chairman of the Appropriations Subcommittee of Military Construction, Veterans Administration and Related Agencies, Mr. EDWARDS.

Mr. EDWARDS. Mr. Speaker, this bill sends a clear message to America's service men and women, their families and their veterans that a grateful Nation deeply respects their service and sacrifice, provides the largest increase in VA health care funding in the 77-year history of the VA. The bill also provides funds to hire 1,800 new VA claims processors to reduce the serious backlog of benefits claims and reduce the time to process them.

On the military construction side, we increased $4.37 billion for BRAC, military construction and family housing, a 29 percent increase over last year.

I want to salute Speaker PELOSI and Chairman OBEY for making veterans and support of our military families the highest of priorities in the new Congress. Millions of America's veterans and military families will receive better health care and have a better quality of life because of their dedication to them.

I want to thank the majority subcommittee staff, an outstanding staff, the best anybody would have a right to work with, Carol Murphy, Tim Peterson, Walter Hearne, Donna Shahbaz and Mary Arnold, the outstanding minority subcommittee staff, Liz Dawson, Dena Baron, and my staffer, John Conger. I hope to offer a special note to the son of a distinguished Army soldier, Rob Nabors, Chief Clerk of the Appropriations Committee. Because of Mr. Nabors' good judgment, professionalism, calm demeanor and dedication, America's veterans and our military will benefit not just this year but for decades to come. Tonight, Mr. Nabors' father has a right to be especially proud of his son. And let me, along with that, thank Mr. WICKER for his partnership from day one in this effort.

The SPEAKER pro tempore. The gentleman from Florida continues to withhold his time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, with governing comes responsibility. The responsible vote on this rule and this bill is ''yes.'' The minority has talked about responsibility for the military. They are right. That is why this body and the other body passed a Defense Appropriations bill, $459 billion to support the military. The other side talks about responsibility for reducing the deficit. They didn't reduce the deficit when they were in the majority. We are reducing it by passing a budget that puts us back on the path to a balanced budget.

We also have a responsibility to listen to the concerns that are being raised by the men and women that we represent. They are worried about gangs and drugs. So this bill puts 34 percent more money into drug courts, nearly doubles the amount of money being spent on police support programs around the country. They are worried about porous borders and people coming into the country illegally. So this bill puts 15 percent more into customs and border enforcement. They are worried about high heating costs, being unable to pay their utility bills. So this bill puts 21 percent more into the program that helps people pay their utility bills.

Finally, there is all this talk about supporting and saluting our veterans. This bill stops talking and starts acting with a request that matches that which the veterans service organizations of this country asked us for, the largest increase in veterans health care in the history of the country. The responsible vote is ''yes.'' The irresponsible political course is to complain. Let's do the country's business, pass this rule, and pass this bill.

□ 2030

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule while closing the loopholes we have found over the last few months.

Under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a ''question of consideration.'' But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

The earmark rule is also not applicable when the majority uses a procedure to accept ''amendments between the

Houses,'' such as with this legislation, the omnibus appropriations bill. Because the omnibus is not a conference report, the bill falls squarely within one of the loopholes to the earmark rule and the rules of the House will not require any disclosure of earmarks contained in the legislation. Any action as announced previously by the chairman of the Appropriations Committee is at his discretion.

I would like to direct all Members to a letter that House Parliamentarian, John Sullivan, recently sent to Rules Chairwoman SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian states that the Democratic earmark rule ''does not comprehensively apply to all legislative propositions at all stages of the legislative process.''

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

Mr. Speaker, my amendment will restore the accountability and enforceability of the earmark rule. I urge my colleagues to close this loophole in the earmark rule by opposing the previous question.

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

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

There was no objection.

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

Ms. SLAUGHTER. Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 878
OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in section 4, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 4. The amendment referred to in section 2 is as follows:

Strike all after ''That'' and insert the following:

(1) Clause 9(a) of rule XXI is amended by striking ''or'' at the end of subparagraph (3), striking the period at the end of subparagraph (4) and inserting ''; or'', and adding the following at the end:

''(5) a Senate bill held at the desk, an amendment between the Houses, or an amendment considered as adopted pursuant to an order of the House unless the Majority Leader or his designee has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill and amendments (and the name of any Member, Delegate, or Resident Commissioner who submitted the request for each respective item in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration.''.

(2) Clause 9(c) of rule XXI is amended to read as follows:

''(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the proposition. The question of consideration shall be debatable for 10 minutes by the Member initiation the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.''.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 110TH CONGRESS

Ms. SLAUGHTER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 271) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 271

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and when the Senate adjourns on any day from Tuesday, December 18, 2008, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the concurrent resolution will be followed by 5-minute votes on ordering the previous question on House Resolution 878; adoption of House Resolution 878, if ordered; and motion to suspend the rules on H.R. 4286.

The vote was taken by electronic device, and there were—yeas 184, nays 218, not voting 30, as follows:

[Roll No. 1167]

YEAS—184

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—218

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Mitchell
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross

Royce
Ryan (WI)
Sali
Saxton
Schiff
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

Blumenauer
Blunt
Cubin
Davis, Tom
Dingell
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
Kanjorski
McHenry
Miller, Gary
Myrick
Ortiz
Pastor
Paul
Pryce (OH)
Rohrabacher
Salazar
Thompson (CA)
Weiner
Weller
Wexler
Woolsey

□ 2055

Messrs. PETERSON of Minnesota and WELCH of Vermont changed their vote from ''yea'' to ''nay.''

Mr. KILDEE, Ms. CORRINE BROWN of Florida, and Mr. RUSH changed their vote from ''nay'' to ''yea.''

So the concurrent resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

The SPEAKER pro tempore (Mr. BECERRA). The unfinished business is the vote on ordering the previous question on House Resolution 878, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 186, not voting 30, as follows:

[Roll No. 1168]

YEAS—216

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

NAYS—186

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

NOT VOTING—30

Blumenauer
Blunt
Cubin
Davis, Tom
Dingell
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
Kanjorski
McHenry
Miller, Gary
Myrick
Ortiz
Pastor
Paul
Pryce (OH)
Rohrabacher
Salazar
Thompson (CA)
Weiner
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2102

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 29, as follows:

[Roll No. 1169]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson

Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—189

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

NOT VOTING—29

Blumenauer
Blunt
Cubin
Davis, Tom
Dingell
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
Kanjorski
McHenry
Miller, Gary
Myrick
Ortiz
Pastor
Paul
Pryce (OH)
Rohrabacher
Salazar
Thompson (CA)
Weller
Wexler
Woolsey

□ 2108

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

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.

AWARDING CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4286, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and pass the bill, H.R. 4286.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 1170]

YEAS—400

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

NOT VOTING—33

Blumenauer
Blunt
Boucher
Cubin
Davis, Tom (VA)
Dingell

Gallegly	Jindal	Paul
Gilchrest	Johnson, E. B.	Pryce (OH)
Gutierrez	Kanjorski	Rangel
Hall (TX)	LaHood	Rohrabacher
Hastings (FL)	McHenry	Salazar
Hobson	Miller, Gary	Thompson (CA)
Hooley	Myrick	Weller
Hunter	Ortiz	Wexler
Inslee	Pastor	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2115

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had agreed to the following resolution

S. RES. 407

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Julia Carson, late a Representative from the State of Indiana.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate has passed without an amendment a bill of the House of the following title:

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

The message also announced that the Senate has passed with amendments bills of the House of the following titles:

H.R. 660. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 3690. An act to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

The message also announced that the Senate has passed without an amendment a concurrent resolution of the House of the following title:

H. Con. Res. 264. Concurrent resolution honoring the University of Hawaii for its 100 years of commitment to public high education.

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

S. 274. An Act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 781. An Act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

S. 2096. An Act to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

The message also announced that the Senate agrees to the House amendments to the Senate amendment to the bill (H.R. 797) ''An Act to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter 'V' for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers.''

THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 878, I call up the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,820,375,000: Provided, That of the amount made available under this heading, not to exceed $10,000,000 may be transferred to and merged with ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and terrorism rewards: Provided further, That of the funds appropriated under this heading, $8,131,000 shall be available for the Office of the Director of United States Foreign Assistance and $1,000,000 shall not be obligated until consultations with the Congress, arising from the report submitted pursuant to section 653(a) of the Foreign Assistance Act of 1961, have been completed: Provided further, That of the amount made available under this heading, not less than $364,905,000 shall be available only for public diplomacy international information programs: Provided further, That of the funds made available under this heading, $5,000,000 shall be made available for a demonstration program to expand access to consular services: Provided further, That of the funds made available under this heading, $40,000,000 shall be made available for passport operations, facilities, and systems: Provided further, That the funds appropriated by the previous proviso shall be in addition to amounts otherwise made available for such purposes: Provided further, That during fiscal year 2008, foreign service annuitants may be employed, notwithstanding section 316.401 of title 5, Code of Federal Regulations, pursuant to waivers under section 824(g)(1)(C)(ii) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(1)(C)(ii)): Provided further, That of the funds made available under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, export financing and related programs, up to $200,000,000 may be transferred to, and merged with, funds appropriated under the heading ''Millennium Challenge Corporation'', subject to section 615 of this Act: Provided further, That of the funds appropriated under this heading, $6,000,000 shall be made available for the Ambassador's Fund for Cultural Preservation of which $1,500,000 shall be for grants of not less than $500,000 for significant historic preservation projects: Provided further, That there shall be one additional senior permanent position at United States Embassy Moscow whose sole responsibilities shall be to monitor human rights and the implementation of Russian laws relating to nongovernmental organizations, communicate United States support for human rights defenders and journalists who are harassed and arrested, and support the work of civil society groups: Provided further, That funds available under this heading may be made available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: Provided further, That funds appropriated under this heading are available, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account in this title.

In addition, not to exceed $1,558,390 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and

publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security protection, $909,598,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $63,743,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $35,508,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $509,482,000, to remain available until expended: Provided, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized: Provided further, That of the funds available under this heading up to $2,000,000 may be made available to the Senator Paul Simon Study Abroad Foundation, subject to authorization: Provided further, That if a majority of the Board of Directors of such Foundation is not confirmed by the Senate by August 1, 2008, the Secretary shall provide $1,000,000 of such funds to the Benjamin A. Gilman International Scholarship Program and $1,000,000 shall be provided to the Fulbright Program to augment existing study abroad programs.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $14,000,000, to remain available until September 30, 2009.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $792,534,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $649,278,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,000,000, only for emergency evacuations and terrorism rewards, to remain available until expended, of which not to exceed $1,000,000 may be transferred to and merged with the ''Repatriation Loans Program Account'', subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $678,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with ''Diplomatic and Consular Programs''.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $16,351,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,374,400,000, to remain available until September 30, 2009: Provided, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2008–2009 to exceed the revised United Nations budget level for the biennium 2006–2007 of $4,173,895,900: Provided further, That any payment of arrearages under this title shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,352,000,000, of which 15 percent shall remain available until September 30, 2009: Provided, That at least 15 days in advance of voting in the United Nations Security Council (or in an emergency as far in advance as is practicable) for any new or expanded United Nations peacekeeping mission, the Secretary of State shall, with regard to any new or expanded mission, notify the Committees on Appropriations and other appropriate Committees of the Congress of its estimated cost and duration, the United States national interest that will be served, the planned exit strategy, the specific measures the United Nations is taking to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission; and a notification of funds pursuant to section 615 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only after a determination by the Secretary of State that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $30,430,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $88,425,000, to remain available until expended, as authorized, of which, $100,000 may be made available to repair, relocate, or replace fencing along the international border between the United States and Mexico: Provided, That of the funds appropriated under this heading, up to $400,000 should be made available for the repair or replacement of the Nogales Wash Flood Control Project and International Outfall Interceptor, of which up to $66,000,000 shall be made available only for construction in the United States of secondary wastewater treatment capability.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $11,250,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $27,054,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324: Provided further, That funds appropriated under this heading shall be available for programs in the amounts contained in the table included in the report accompanying this Act and no proposal for deviation from those amounts shall be considered.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $16,000,000, to remain available until expended, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2008, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2008, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2008, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $20,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

RELATED AGENCIES

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation and operation of necessary equipment, including aircraft, for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $662,727,000: Provided, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,748,000, to remain available until expended, as authorized.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until September 30, 2009.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,037,000, to remain available until September 30, 2009.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2009.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $2,962,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2008: Provided, That funds appropriated under this heading shall only be available for obligation in accordance with a spending plan submitted to the Committees on Appropriations which effectively addresses the recommendations of the Government Accountability Office's audit of the Commission: Provided further, That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108–99; 118 Stat. 448), $150,000, to remain available until September 30, 2009.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $25,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS TITLE

ALLOWANCES AND DIFFERENTIALS

SEC. 101. Funds appropriated under this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 102. The Department of State and the Broadcasting Board of Governors shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

EMBASSY CONSTRUCTION

SEC. 103. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (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–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

PEACEKEEPING MISSIONS

SEC. 104. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

DENIAL OF VISAS

SEC. 105. (a) None of the funds appropriated or otherwise made available under this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2008.

UNITED STATES CITIZENS BORN IN JERUSALEM

SEC. 106. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

STATE DEPARTMENT AUTHORITIES

SEC. 107. Funds appropriated under this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS

SEC. 108. None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

PERSONNEL ACTIONS

SEC. 109. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 615 of title VI of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 110. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

PALESTINIAN BROADCASTING CORPORATION

SEC. 111. None of the funds appropriated or otherwise made available in this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 112. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest: Provided, That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and representatives of foreign governments, international organizations, or nongovernmental organizations.

PEACEKEEPING ASSESSMENT

SEC. 113. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended (22 U.S.C. 287e note) is further amended at the end by adding the following:

''(v) For assessments made during calendar year 2008, 27.1 percent.''

ALHURRA BROADCASTING

SEC. 114. Funds appropriated by this Act, and any subsequent emergency supplemental appropriations Act for fiscal year 2008, may be made available for the programs and activities of Alhurra only if the Secretary of State certifies and reports to the Committees on Appropriations that Alhurra does not advocate on behalf of any organization that the Secretary knows, or has reason to believe, engages in terrorist activities.

SEC. 115. COMMISSION FINANCIAL MANAGEMENT. (a) TERM LIMITS.—Section 1238(b)(3) of Public Law 106–398 is amended by striking subparagraph (G) and inserting the following:

''(G) a member of the Commission may not be reappointed for an additional term of service if that member has twice been appointed to the Commission; and''.

(b) REQUIREMENT FOR PERFORMANCE REVIEWS.—The United States-China Economic and Security Review Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals.

(c) LIMITATION ON CASH AWARDS.—The United States-China Economic and Security Review Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards.

(d) ANNUAL FINANCIAL AUDIT.—The Commission shall provide to Congress an annual comprehensive independent financial audit of all obligations and expenditures, not later than June 30 each year hereafter.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SEC. 116. (a) The amount appropriated or otherwise made available by this title under the heading ''COMMISSION ON SECURITY AND COOPERATION IN EUROPE'' is hereby increased by $333,000.

(b) The amount appropriated or otherwise made available by this title for the Department of State under the heading ''DIPLOMATIC AND CONSULAR PROGRAMS'' is hereby reduced by $333,000.

COOPERATION WITH THE GOVERNMENT OF MEXICO

SEC. 117. (a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary of Homeland Security and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, should work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, should work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, should work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico on the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing the actions taken by the United States and Mexico pursuant to this section.

REPORT REGARDING USE OF LEVEES

SEC. 118. Not later than 90 days after the date of enactment of this Act, the United States Commissioner of the International Boundary and Water Commission, in cooperation and coordination with the Secretary of Homeland Security and the Chief of Engineers of the United States Army Corps of Engineers, shall submit to Congress a report regarding the use by U.S. Customs and Border Protection of flood control levees under the control of the International Boundary and Water Commission, which shall—

(1) discuss the purpose and importance of—

(A) any such use of such levees ongoing on the date of enactment of this Act; and

(B) any anticipated such use of such levees after the date of enactment of this Act;

(2) describe the frequency and means of, and approximate number of officers and employees of the U.S. Customs and Border Protection who, access such levees;

(3) describe the level of degradation of such levees as a result of such use; and

(4) identify any formal agreements that may be needed between the Department of Homeland Security and the International Boundary and Water Commission or the Department of State to ensure needed access to such levees.

DEPARTMENT OF STATE INSPECTOR GENERAL

SEC. 119. (a) LINK TO OFFICE OF INSPECTOR GENERAL FROM HOMEPAGE OF DEPARTMENT OF STATE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall establish and maintain on the homepage of the Internet website of the Department of State a direct link to the Internet website of the Office of Inspector General of the Department of State.

(b) ANONYMOUS REPORTING OF WASTE, FRAUD, OR ABUSE.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of State shall establish and maintain on the homepage of the Internet website of the Office of Inspector General a mechanism by which individuals can anonymously report cases of waste, fraud, or abuse with respect to the Department of State.

CONSULAR OPERATIONS

SEC. 120. (a) The Secretary of State shall establish visa processing facilities in Iraq within 180 days of enactment of this Act in which aliens may apply and interview for admission to the United States.

(b) The Secretary of State shall report to the Congress no later than 30 days after enactment of this Act on funding and security requirements for consular operations in Iraq in fiscal year 2008.

REFERENCES

SEC. 121. Except as otherwise provided in this title, any reference in this title to ''this Act'' shall be deemed to be a reference only to title I.

TITLE II

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $1,000,000, to remain available until September 30, 2009.

LOANS PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2008: Provided further, That 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this or any prior Act should be used for renewable energy and environmentally beneficial products and services.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $68,000,000, to remain available until September 30, 2011: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2026, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2008, 2009, 2010, and 2011: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used

for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $78,000,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2008.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: Provided further, That amounts collected in fiscal year 2008 in excess of obligations, up to $50,000,000, shall become available October 1, 2008 and shall remain available until September 30, 2011.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $47,500,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $21,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2008, 2009, and 2010: Provided further, That funds so obligated in fiscal year 2008 remain available for disbursement through 2016; funds obligated in fiscal year 2009 remain available for disbursement through 2017; funds obligated in fiscal year 2010 remain available for disbursement through 2018: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,400,000, to remain available until September 30, 2009.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2008, unless otherwise specified herein, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $6,621,425,000, to remain available until September 30, 2009: Provided, That this amount shall be made available for such activities as: (1) child survival programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $350,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $450,000,000 for child survival and maternal health; $15,000,000 for vulnerable children; $724,675,000 for other infectious diseases, including $200,000,000 for tuberculosis control, of which $15,000,000 shall be used for the Global TB Drug Facility; and $395,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this heading, $75,000,000 should be made available for a United States contribution to The GAVI Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the United States Agency for International Development'' for costs directly related to global health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only for voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services with proven effectiveness, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That to the maximum extent practicable, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement should be made available only for the

procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

Of the funds appropriated under this heading, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, including for children displaced or orphaned by AIDS, $5,050,000,000, to remain available until expended, of which $550,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2008 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated by this paragraph, up to $13,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the Global AIDS Coordinator: Provided further, That the Global AIDS Coordinator shall include in each country operational plan for fiscal year 2008 a health workforce strategy for meeting HIV/AIDS goals without reducing the capacity of the country to meet other health needs, particularly child survival and maternal health: Provided further, That of the funds appropriated by this paragraph, not less than $45,000,000 shall be made available to support the development of microbicides as a means for combating HIV/AIDS, and not less than $40,000,000 shall be made available for a United States contribution to UNAIDS: Provided further, That funds made available under this heading shall be made available notwithstanding the second sentence of section 403(a) of Public Law 108–25.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,455,000,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $43,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated by this Act, not less than $250,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: Provided further, That of the funds appropriated under this heading, not less than $29,000,000 shall be made available for Collaborative Research Support Programs: Provided further, That of the funds appropriated under this heading, $750,000 shall be made available to implement 7 U.S.C. section 1736g–2(a)(2)(C) to improve food aid product quality and nutrient delivery: Provided further, That of the funds appropriated under this heading, not less than $22,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, $12,000,000 should be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: Provided further, That of the funds appropriated in this Act, not less than $300,000,000 shall be made available for safe drinking water and sanitation supply projects only to implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121), of which not less than $125,000,000 should be made available for such projects in Africa including drilling wells in northern Niger, Mali and elsewhere in the African Sahel region.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $322,350,000, to remain available until expended, of which $20,000,000 should be for famine prevention and relief.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the President determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,920,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided, That funds made available under this heading shall remain available until September 30, 2010.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $645,700,000, of which up to $25,000,000 may remain available until September 30, 2009: Provided, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2009: Provided further, That any decision to open a new overseas mission or office of the United States Agency for International Development or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses of the United States Agency for International Development'' in accordance with the provisions of those sections.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $90,508,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not to exceed $75,144,500 may be made available for the purposes of implementing the Capital Security Cost Sharing Program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $38,000,000, to remain available until September 30, 2009, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $3,015,000,000, to remain available until September 30, 2009: Provided, That funds appropriated under this heading that are available for Egypt shall be provided

with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years, including the benchmarks accompanying the ''Financial Sector Reform Memorandum of Understanding'' dated March 20, 2005: Provided further, That with respect to the provision of assistance for Egypt for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: Provided further, That of the funds appropriated under this heading that are available for assistance for Egypt, not less than $15,000,000 should be made available for democracy, human rights and governance programs and not less than $50,000,000 should be used for education programs, of which not less than $10,000,000 should be made available for scholarships for Egyptian students with high financial need to attend United States accredited institutions of higher education in Egypt: Provided further, That funds appropriated under this heading that are available for assistance for Cyprus should be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That of the funds appropriated under this heading, $363,547,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, $75,000,000 shall be made available for assistance for the West Bank and Gaza, of which not to exceed $2,000,000 may be used for administrative expenses of the United States Agency for International Development, in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: Provided further, That of the funds appropriated under this heading, not less than $30,000,000 shall be made available for assistance for the Philippines and not less than $10,700,000 shall be made available for assistance for Vietnam: Provided further, That $45,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $10,000,000 should be made available for scholarships and direct support of United States educational institutions in Lebanon, and of which not less than $500,000 shall be made available to the United States Forest Service for forest management and wildlife conservation programs in Lebanon: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109–13: Provided further, That of the funds appropriated under this heading, $3,000,000 shall be made available for programs to promote democracy and human rights in North Korea: Provided further, That of the funds appropriated under this heading for assistance for Cambodia, $15,000,000 shall be made available to support, democracy, the rule of law, and human rights in Cambodia, including assistance for democratic political parties: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be made available for programs and activities in the Central Highlands of Vietnam: Provided further, That of the funds appropriated under this heading for the Middle East Partnership Initiative, not less than $5,000,000 shall be made available to rescue Iraqi scholars: Provided further, That of the funds appropriated under this heading that are available for assistance for the Democratic Republic of Timor-Leste, up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development in addition to amounts otherwise made available for such purposes: Provided further, That of the funds appropriated under this heading, not less than $12,000,000 shall be made available for a United States contribution to the Special Court for Sierra Leone, not less than $3,000,000 shall be made available for a United States contribution to the Extractive Industries Transparency Initiative Trust Fund, not less than $3,000,000 shall be made available to support implementation of the Kimberley Process Certification Scheme with an emphasis on support for regional efforts to combat cross-border smuggling and for monitoring by civil society groups, not less than $4,000,000 should be made available for a United States contribution to the International Commission Against Impunity in Guatemala, not less than $2,500,000 shall be made available for East Asia and Pacific Environmental Initiatives, and not less than $5,000,000 shall be made available for programs to protect biodiversity in Colombia's national parks and indigenous reserves: Provided further, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for labor and environmental capacity building activities relating to the free trade agreements with the countries of Central America and the Dominican Republic: Provided further, That of the funds appropriated under this heading, $45,700,000 should be made available to promote democracy in Cuba, and to assist the pro-democracy movement in Cuba: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 should be made available for (1) programs to locate and identify persons missing as a result of armed conflict, violations of human rights, or natural disasters; (2) to assist governments in meeting their obligations regarding missing persons; and (3) to support investigations and prosecutions related to war crimes, crimes against humanity, genocide and other crimes under international law: Provided further, That of the funds appropriated under this heading, not more than $500,000 should be made available for the Department of Energy's National Nuclear Security Administration to support initiatives which bring together public officials and private individuals from nations involved in the Six-Party Talks for informal discussions on resolving the North Korea nuclear issue.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $294,568,000, to remain available until September 30, 2009, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 628 of this Act shall apply to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 628 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $401,885,000, to remain available until September 30, 2009: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That funds made available for the Southern Caucasus region may be used, notwithstanding any other provision of law, for confidence-building measures and other activities in furtherance of the peaceful resolution of regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading, not less than $8,000,000 shall be made available for humanitarian, conflict mitigation, human rights, civil society, and relief and recovery assistance for Chechnya, Ingushetia, Dagestan, and North Ossetia-Alania in the North Caucasus: Provided further, That of the funds appropriated under this heading that are available for assistance for Russia, not less than $500,000 shall be made available to the United States Forest Service for forest management and wildlife conservation programs in the Russian Far East: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,000,000, to remain available until September 30, 2009.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $30,000,000, to remain available until September 30, 2009: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, (1) in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and (2) a project may exceed the limitation by up to $10,000 if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $323,500,000, to remain available until September 30, 2009: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $2,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $1,200,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, up to $75,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2008: Provided further, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: Provided further, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates not more than 50 percent of the entire amount of the United States Government funding anticipated for the duration of the Compact, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed the entire amount of the United States Government funding anticipated for the duration of the Compact.

DEPARTMENT OF STATE

DEMOCRACY FUND

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $177,000,000, of which the following amounts shall be made available, subject to the regular notification procedures of the Committees on Appropriations, until September 30, 2010—

(1) $75,000,000 for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, of which $15,000,000 shall be for democracy and rule of law programs in the People's Republic of China, Hong Kong, and Taiwan: Provided, That assistance for Taiwan should be matched from sources other than the United States Government: Provided further, That $10,000,000 shall be made available for programs and activities for the promotion of democracy in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided further, That funds used for such purposes should support new initiatives and activities in those countries; and

(2) $102,000,000 for the National Endowment for Democracy: Provided, That of the funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', and ''Assistance for the Independent States of the Former Soviet Union'', an additional $18,000,000 shall be made available for the programs and activities of the National Endowment of Democracy.

(b) Funds appropriated by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of this or any other Act and, with regard to the National Endowment for Democracy, any regulation. Funds appropriated under this heading are in addition to funds otherwise available for such purposes.

(c) The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for—

(1) all policy, funding, and programming decisions regarding funds made available in this Act and subsequent Acts making appropriations for the Department of State, foreign operations, export financing, and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor; and

(2) the development of strategies for the promotion of democracy globally and the coordination of democracy programs between the United States Department of State and the United States Agency for International Development.

(d) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(e) Any contract, grant or cooperative agreement (or any amendment to any contract, grant, or cooperative agreement) in excess of $2,500,000 for the promotion of democracy under this Act shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $558,449,000, to remain available until September 30, 2010: Provided, That during fiscal year 2008, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than $19,000,000 shall be made available for training programs and activities of the International Law Enforcement Academies: Provided further, That funds appropriated under this heading shall be made available for training of foreign law enforcement and judicial personnel in the prevention of violence and discrimination on account of sexual orientation or gender identity: Provided further, That of the funds appropriated under this heading, not less than $10,500,000 should be made available for programs to combat trafficking in persons and migrant smuggling: Provided further, That of the funds appropriated under this heading, not more than $38,000,000 may be available for administrative expenses.

ANDEAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

(a) For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug, economic and social development, rule of law, and other activities in the Andean region of South America, $415,050,000, to remain available until September 30, 2010.

(b) In fiscal year 2008, funds available to the Department of State for assistance to the Government of Colombia may be made available to support a unified campaign against drug trafficking, against activities by organizations designated as Foreign Terrorist Organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore civilian government authority and respect for human rights in areas under the effective control of paramilitary organizations or successor armed groups: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any such organization, the helicopter shall be immediately returned to the United States: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations.

(c) Of the funds appropriated under this heading that are available for assistance for Colombia, not less than $22,000,000 shall be made available for the Office of the Attorney General, of which $5,000,000 shall be for the Human Rights Unit, $5,000,000 shall be for the Justice and Peace Unit, $9,000,000 shall be used to develop a witness protection program for victims of armed groups, and $3,000,000 shall be for investigations of mass graves and identification of remains: Provided further, That of the funds appropriated under this heading that are available for assistance for Colombia, $5,000,000 shall be for the Office of the Procuraduria General de la Nacion, $3,000,000 shall be for the Office of the Defensoria del Pueblo, and $750,000 shall be made available for a United States contribution to the Office of the United Nations High Commissioner for Human Rights in Colombia to support monitoring and public reporting of human rights conditions in the field.

(d) Funds appropriated by this Act that are available for aerial eradication of coca in Colombia may be made available only for targeted eradication in specific areas and only if the Secretary of State certifies to the Committees on Appropriations that manual eradication in such areas is not practicable and that aerial eradication will not contribute to a significant loss of biodiversity: Provided, That not more than 20 percent of such funds may be made available unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment including endemic species: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such aerial eradication are thoroughly evaluated and fair compensation is being paid in a timely manner for meritorious claims, and the Secretary submits a report to the Committees on Appropriations detailing all claims, evaluations, and compensation paid during the twelve month period prior to the date of enactment of this Act: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in municipalities where security permits for small-acreage growers whose illicit crops are targeted for aerial eradication: Provided further, That funds appropriated by this Act may be used for aerial eradication in Colombia's national parks or reserves only if the Secretary of State certifies

to the Committees on Appropriations on a case-by-case basis that there are no practicable alternatives and the eradication is conducted in accordance with Colombian laws: Provided further, That of the funds appropriated under this heading that are available for Colombia, $10,000,000 shall be transferred to, and merged with, funds appropriated under the heading ''Foreign Military Financing Program'' and shall be made available only for assistance for the Colombian military to provide security for manual eradication programs, including in national parks: Provided further, That none of the funds appropriated by this Act shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people.

(e) No United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia.

(f) Rotary and fixed wing aircraft supported with funds appropriated under this heading for assistance for Colombia should be used for drug eradication and interdiction including to transport personnel in connection with manual eradication programs, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo.

(g) Funds appropriated under this heading that are made available for assistance for the Bolivian military and police may be made available for such purposes only if the Secretary of State certifies to the Committees on Appropriations that the Bolivian military and police are respecting human rights, and civilian judicial authorities are investigating and prosecuting, with the full cooperation, military and police personnel who have been implicated in the military and police gross violations of human rights.

(h) Of the funds appropriated under this heading, not more than $16,000,000 may be available for administrative expenses of the Department of State, and not more than $8,000,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

(i) The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $889,000,000, to remain available until expended: Provided, That not more than $23,000,000 may be available for administrative expenses: Provided further, That $40,000,000 of the funds made available under this heading shall be made available for refugees resettling in Israel: Provided further, That funds made available under this heading shall be made available for assistance for refugees from North Korea.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $45,000,000, to remain available until expended: Provided, That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of such Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $499,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed $32,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That of the funds appropriated under this heading, not less than $30,000,000 shall be made available for the Biosecurity Engagement Program: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2009.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $22,800,000, to remain available until September 30, 2010, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $200,300,000, to remain available until September 30, 2010: Provided, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

SUPPORT OF FOREIGN LAW ENFORCEMENT EFFORTS TO LOCATE UNITED STATES CITIZENS KIDNAPPED IN AREAS AFFECTED BY VIOLENT DRUG TRAFFICKING

SEC. 301. Funds appropriated or otherwise made available by this title under the heading ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'' should be available for the support of efforts of foreign law enforcement authorities to locate United States citizens who have been kidnapped in, or are otherwise missing from, areas affected by violent drug trafficking.

TITLE IV

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $85,877,000, of which up to $3,000,000 may remain available until expended: Provided, That funds appropriated under this heading shall not be available for Equatorial Guinea: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Guinea, Libya, and Nepal may be made available only for expanded international military education and training: Provided further, That expanded international military education and training may include English language training for purposes of funds appropriated under this heading: Provided further, That funds made available under this heading for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Sri Lanka, Ethiopia, Bangladesh, Libya, Angola, and Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,579,000,000: Provided, That of the funds appropriated under this heading, not less than $2,400,000,000 shall be available for grants only for Israel: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2007, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $631,200,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, $300,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $8,413,000 shall be made available for assistance for Tunisia: Provided further, That of the funds appropriated under this heading that are available for assistance for Morocco, not more than $2,000,000 may be obligated until the Secretary of State certifies and reports to the Committees on Appropriations that Moroccan Government authorities in the territory of the Western Sahara have (1) ceased to persecute, detain, and prosecute individuals for peacefully expressing their opinions regarding the status and future of the Western Sahara and for documenting violations of human rights; and (2) provided unimpeded access to internationally recognized human rights organizations, journalists, and representatives of foreign governments to the Western Sahara: Provided further, That of the funds appropriated under this heading, not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That funds made available under this heading for assistance for Egypt should be made available for counterterrorism and border security programs in the Sinai: Provided further, That of the funds appropriated under this heading that are available for Colombia, $10,000,000 shall be made available for medical and rehabilitation assistance, removal of landmines, and to enhance communications capabilities: Provided further, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That 0.1 percent of the funds appropriated under this heading shall be transferred to and merged with funds appropriated under the heading ''Economic Support Fund'' to be made available to the Bureau of Democracy, Human Rights and Labor, Department of State, to ensure adequate monitoring of the use of assistance made available under this heading in countries where such monitoring is most needed, in addition to amounts otherwise available for such purposes.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Haiti, Guatemala, Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Ethiopia, and Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $41,900,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $395,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2008 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2008 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $273,200,000: Provided, That of the funds made available under this heading, not less than $25,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $106,763,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility (GEF), by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,000,000,000, to remain available until expended: Provided, That funds appropriated under this heading should not be obligated until the Secretary of the Treasury reports to the Committees on Appropriations that he has received written assurance from the President of the World Bank that the bank's management will not recommend or support any loan, grant, credit or other financing for any infrastructure project which would contribute to significant loss of tropical forest or biodiversity.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $65,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $2,037,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $31,918,770.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $105,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $10,159 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $18,072,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $313,925,000: Provided, That of the funds appropriated under this heading that are available for the Organization of American States Fund for Strengthening Democracy, $500,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE VI

GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 601. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

ALLOCATIONS

SEC. 602. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

''Educational and Cultural Exchange Programs''.

''Embassy Security, Construction, and Maintenance''.

''International Fisheries Commissions''.

''International Broadcasting Operations''.

''Global Health Programs''.

''Economic Support Fund''.

''Assistance for Eastern Europe and the Baltic States''.

''Assistance for the Independent States of the Former Soviet Union''.

''Democracy Fund''.

''Andean Programs''.

''Nonproliferation, Anti-Terrorism, Demining and Related Programs''.

''Foreign Military Financing Program''.

''International Organizations and Programs''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 603. Of the funds appropriated or made available pursuant to title III of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNOBLIGATED BALANCES

SEC. 604. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide, upon request of the Committees on Appropriations, an accurate accounting by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 605. Of the funds appropriated or made available pursuant to this Act, not to exceed $250,000 shall be available for representation and entertainment allowances, of which not to exceed $5,000 shall be available for entertainment allowances, for the United States Agency for International Development during the current fiscal year: Provided, That no such entertainment funds may be used for the purposes listed in section 648 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $55,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $4,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act under the heading ''United States-China Economic and Security Review Commission'', not to exceed $3,000 shall be available for official reception, representation, and entertainment allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $4,000 shall be available for representation and entertainment allowances: Provided further, That of the funds made available by this Act under the heading ''Millennium Challenge Corporation'', not to exceed $115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 606. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2008 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2009 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 608. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office:

Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 609. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 104 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(c) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President provides notification in accordance with the regular notification procedures of the Committees on Appropriations.

(d) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 610. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the Director of the Trade and Development Agency shall notify the Committees on Appropriations not later than 15 days prior to any reobligation of funds appropriated for the purposes of section 661 of part II of the Foreign Assistance Act of 1961.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 612. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 613. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 615. (a) None of the funds made available in all titles of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agencies or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or ten percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by ten percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V of this Act for ''Global Health Programs'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Programs'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former

Soviet Union'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses of the United States Agency for International Development'', ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'' (by country only), ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this subsection shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III or IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 616. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2009: Provided, That section 307(a) of the Foreign Assistance Act of 1961 is amended by striking ''Libya,''.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 617. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(c) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(d)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 618. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 619. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2008, for programs under title II of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 620. None of the funds appropriated by this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Cuba, the Dominican Republic, Iran, Haiti, Mexico, Nepal, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 621. For the purpose of titles II through V of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

GLOBAL HEALTH ACTIVITIES

SEC. 622. Up to $13,500,000 of the funds made available by this Act for assistance under the heading ''Global Health Programs'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading ''Global Health Programs'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided further, That of the funds appropriated under title III of this Act, not less than $461,060,000 shall be made available for family planning/reproductive health: Provided further, That in order to prevent unintended pregnancies, abortions, and the transmission of sexually transmitted infections, including HIV/AIDS, no contract or grant for the exclusive purpose of providing donated contraceptives in developing countries shall be denied to any nongovernmental organization solely on the basis of

the policy contained in the President's March 28, 2001, Memorandum to the Administrator of the United States Agency for International Development with respect to providing contraceptives in developing countries, or any comparable administration policy regarding the provision of contraceptives.

AFGHANISTAN

SEC. 623. Of the funds appropriated by titles III and IV of this Act, up to $1,057,050,000 may be made available for assistance for Afghanistan, of which not less than $75,000,000 should be made available to support programs that directly address the needs of Afghan women and girls, of which not less than $12,000,000 shall be made available for grants to support training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations, and not less than $3,000,000 should be made available for reforestation activities: Provided, That funds made available pursuant to the previous proviso for reforestation activities should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds appropriated by this Act that are available for Afghanistan, $20,000,000 should be made available through United States universities to develop agriculture extension services for Afghan farmers, $2,000,000 should be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund, and not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 624. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

GLOBAL FUND MANAGEMENT

SEC. 625. Notwithstanding any other provision of this Act, 20 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the ''Global Fund'') shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(1) is releasing incremental disbursements only if grantees demonstrate progress against clearly defined performance indicators;

(2) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and local Fund agents, to enable them to fulfill their mandates;

(3) has a full-time, professional, independent Office of Inspector General that is fully operational;

(4) requires local Fund agents to assess whether a principal recipient has the capacity to oversee the activities of sub-recipients;

(5) is making progress toward implementing a reporting system that breaks down grantee budget allocations by programmatic activity;

(6) has adopted and is implementing a policy to publish on a publicly available website all program reviews, program evaluations, internally and externally commissioned audits, and inspector general reports and findings, not later than 7 days after they are received by the Global Fund Secretariat, except that such information as determined necessary by the Inspector General to protect the identity of whistleblowers or other informants to investigations and reports of the Inspector General, or proprietary information, may be redacted from such documents; and

(7) is tracking and encouraging the involvement of civil society in country coordinating mechanisms and program implementation.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 626. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available for assistance to the government of any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism or other gross violation of human rights; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to such government if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 627. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 628. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 629. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available by this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

INTERNATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH

SEC. 630. (a) Funds appropriated by this Act may be made available for a United States contribution to the United Nations Population Fund (UNFPA).

(b) None of the funds appropriated by this Act may be made available to UNFPA for a country program in the People's Republic of China.

(c) Funds appropriated by this Act may not be made available to UNFPA unless—

(1) UNFPA maintains amounts made available under this section in an account separate from other accounts of UNFPA;

(2) UNFPA does not commingle amounts made available to UNFPA under this section with other sums; and

(3) UNFPA does not fund abortions.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 631. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 632. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 633. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal year 2006, by Federal agency, for programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: Provided, That, if required, information may be submitted in classified form.

SPECIAL AUTHORITIES

SEC. 634. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 612 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles II and III of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108–447; 118 Stat. 3038) is amended by striking ''and 2007'' and inserting ''through 2009''.

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(h) CHINA PROGRAMS.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''Development Assistance'' in this Act, not less than $10,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, democracy, and the rule of law: Provided, That funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(i) EXTENSION OF AUTHORITY.—

(1) With respect to funds appropriated by this Act that are available for assistance for Pakistan, the President may waive the prohibition on assistance contained in section 608 of this Act subject to the requirements contained in section 1(b) of Public Law 107–57, as amended, for a determination and certification, and consultation, by the President prior to the exercise of such waiver authority.

(2) Notwithstanding the date contained in section 6 of Public Law 107–57, as amended, the provisions of sections 2 and 4 of that Act shall remain in effect through the current fiscal year.

(j) MIDDLE EAST FOUNDATION.—Funds appropriated by this Act and prior Acts under the heading ''Economic Support Fund'' that are available for the Middle East Partnership Initiative may be made available, including as an endowment, notwithstanding any other provision of law and following consultations with the Committees on Appropriations, to establish and operate a Middle East Foundation, or any other similar entity, whose purpose is to support democracy, governance, human rights, and the rule of law in the Middle East region: Provided, That such funds may be made available to the Foundation only to the extent that the Foundation has commitments from sources other than the United States Government to at least match the funds provided under the authority of this subsection: Provided further, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section and the requirement that a majority of the members of the board of directors be citizens of the United States provided in subsection (d)(3(B) of that section) shall be deemed to apply to any such foundation or similar entity referred to under this subsection, and to funds made available to such entity, in order to enable it to provide assistance for purposes of this section: Provided further, That prior to the initial obligation of funds for any such foundation or similar entity pursuant to the authorities of this subsection, other than for administrative support, the Secretary of State shall take steps to ensure, on an ongoing basis, that any such funds made available pursuant to such authorities are not provided to or through any individual or group that the management of the foundation or similar entity knows or has reason to believe, advocates, plans, sponsors, or otherwise engages in terrorist activities: Provided further, That section 629 of this Act shall apply to any such foundation or similar entity established pursuant to this subsection: Provided further, That the authority of the Foundation, or any similar entity, to provide assistance shall cease to be effective on September 30, 2010.

(k) EXTENSION OF AUTHORITY.—Section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 2778 note) is amended by striking ''During the 16 year period beginning on October 23, 1992'' and inserting ''During the 22 year period beginning on October 23, 1992'' before the period at the end.

(l) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2007'' and inserting ''2007, and 2008''; and

(B) in subsection (e), by striking ''2007'' each place it appears and inserting ''2008''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2007'' and inserting ''2008''.

(m) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the

United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(n) CAPITAL SECURITY COST-SHARING.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''Embassy Security, Construction, and Maintenance'', not less than $2,000,000 shall be made available for the Capital Security Cost-Sharing fees of the Library of Congress for fiscal year 2008.

(o) DEMOBILIZATION, DISARMAMENT, AND REINTEGRATION ASSISTANCE.—Notwithstanding any other provision of law, policy or regulation, funds appropriated by this Act and prior acts making appropriations for foreign operations, export financing, and related programs may be made available to support programs to demobilize, disarm, and reintegrate into civilian society former combatants of foreign governments or organizations who have renounced involvement or participation in such organizations.

(p) NONGOVERNMENTAL ORGANIZATIONS.—With respect to the provision of assistance for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 635. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 636. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2008, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 637. (a) Funds appropriated under titles II through V of this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and earmarks levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

ASIA

SEC. 638. (a) FUNDING LEVELS.—Of the funds appropriated by this Act under the headings ''Global Health Programs'' and ''Development Assistance'', not less than the amount of funds initially allocated for each such account pursuant to subsection 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2006 shall be made available for Cambodia, Philippines, Vietnam, Asia and Near East Regional, and Regional Development Mission/Asia: Provided, That for the purposes of this subsection, ''Global Health Programs'' shall mean ''Child Survival and Health Programs Fund''.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $11,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading ''Migration and Refugee Assistance'' in this Act, not less than $3,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $5,000,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than $250,000 should be made available to the National Endowment for Democracy for human rights and democracy programs relating to Tibet.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 639. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 640. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

REQUESTS FOR DOCUMENTS

SEC. 641. (a) None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

(b) Notwithstanding any other provision of law or regulation, the Administrator of the United States Agency for International Development shall provide to the Committees on Appropriations, on a timely basis, such information on the obligation and expenditure of funds appropriated by this Act and prior Acts, pursuant to grants, cooperative agreements, and contracts entered into or financed by the agency, as may

be requested by the Committee on Appropriations to satisfy oversight responsibilities of those Committees.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 642. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 643. (a) Subject to subsection (c), of the funds appropriated under titles II through V by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2007.

(3) The term ''unpaid property taxes'' means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 644. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 645. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 646. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 647. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 648. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

WESTERN HEMISPHERE

SEC. 649. (a) CENTRAL AMERICA.—Of the funds appropriated by this Act under the headings ''Global Health Programs'' and ''Development Assistance'', not less than the amount of funds initially allocated for each such account pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2006 shall be made available for El Salvador, Guatemala, Nicaragua, Honduras, Ecuador, Peru, Bolivia, Brazil, Latin America and Caribbean Regional, Central America Regional, and South America Regional: Provided, That for the purposes of this subsection, ''Global Health Programs'' shall mean ''Child Survival and Health Programs Fund''.

(b)(1) HAITI.—Of the funds appropriated by this Act under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $106,200,000 shall be made available for assistance for Haiti, of which not less than $5,000,000 shall be for programs to improve court administration and reduce pre-trial detention and of which not less than $5,000,000 shall be made available for watershed remediation and reforestation activities.

(2) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(3) None of the funds made available in this Act under the heading ''International Narcotics Control and Law Enforcement'' may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State certifies to the Committees on Appropriations that the United Nations Mission in Haiti has ensured that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, have been suspended.

(c) DOMINICAN REPUBLIC.—Of the funds appropriated by this Act under the headings ''Global Health Programs'' and ''Development Assistance'', not less than $23,600,000 shall be made available for assistance for the Dominican Republic, of which not less than $5,000,000 shall be made available for basic health care, nutrition, sanitation, education, and shelter for migrant sugar cane workers and other residents of batey communities.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 650. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 651. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding the following section:

"SEC. 620J. LIMITATION ON ASSISTANCE TO SECURITY FORCES.

''(a) IN GENERAL.—No assistance shall be furnished under this Act or the Arms Export Control Act to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights.

''(b) EXCEPTION.—The prohibition in subsection (a) shall not apply if the Secretary determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

''(c) DUTY TO INFORM.—In the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.''.

FOREIGN MILITARY TRAINING REPORT

SEC. 652. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 653. Funds appropriated by this Act, except funds appropriated under the headings ''Trade and Development Agency'' and ''Overseas Private Investment Corporation'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

AVIAN INFLUENZA PREPAREDNESS

SEC. 654. Notwithstanding any other provision of law except section 551 of Public Law 109–102, of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', $12,500,000 shall be made available to enhance the preparedness of militaries in Asia and Africa to respond to an avian influenza pandemic, and of the funds appropriated by this Act under the heading ''Peacekeeping Operations'', $12,500,000 shall be transferred to, and merged with, funds made available under the heading ''Foreign Military Financing Program'' to be used for this purpose.

PALESTINIAN STATEHOOD

SEC. 655. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 650 of this Act (''Limitation on Assistance to the Palestinian Authority'').

COLOMBIA

SEC. 656. (a) FUNDING.—Funds appropriated by this Act that are available for assistance for Colombia shall be made available in the amounts indicated in the table in the accompanying report.

(b) DETERMINATION AND CERTIFICATION REQUIRED.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 70 percent of such funds may be obligated prior to the certification and report by the Secretary of State pursuant to paragraph (2).

(2) Up to 15 percent of such funds may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense, the Attorney General or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations or successor armed groups.

(B) The Colombian Government is vigorously investigating and prosecuting, in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations or successor armed groups, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted such organizations or successor groups.

(C) The Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have taken all necessary steps to sever links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations and successor armed groups, especially in regions where such organizations or successor groups have a significant presence.

(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided or abetted paramilitary organizations or successor armed groups, by identifying and confiscating land and other assets illegally acquired by such organizations or their associates and returning such land or assets to their rightful owners, by revoking reduced sentences for demobilized paramilitaries who engage in new criminal activity, and by arresting, prosecuting under civilian criminal law, and when requested, promptly extraditing to the United States members of successor armed groups.

(F) The Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous and Afro-Colombian communities, and are distinguishing between civilians, including displaced persons, and combatants in their operations.

(3) The balance of such funds may be obligated after July 31, 2008, if, before such date, the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore civilian government authority and respect for human rights in areas under the effective control of paramilitary organizations or successor armed groups and guerrilla organizations.

(c) REPORT.—The reports required by subsections (a)(2) and (a)(3) of this section shall contain, with respect to each such subsection, a detailed description of the actions taken by the Colombian Government or Armed Forces which support each requirement of the certification, and the cases or issues brought to the attention of the Secretary for which the actions taken by the Colombian Government or Armed Forces have been inadequate.

(d) CONGRESSIONAL NOTIFICATION.—Funds made available by this Act for the Colombian Armed Forces shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2008, the Secretary of State shall consult with Colombian and internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (a).

(f) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary or successor armed groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense

groups and illegal security cooperatives, including those groups and cooperatives that have formerly demobilized but continue illegal operations, as well as parts thereof.

ILLEGAL ARMED GROUPS

SEC. 657. (a) DENIAL OF VISAS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), or successor armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State certifies and reports to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for humanitarian reasons.

WEST BANK AND GAZA ASSISTANCE

SEC. 658. (a) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(b) PROHIBITION.—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(c) AUDITS.—

(1) 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, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for assistance for the West Bank and Gaza, up to $500,000 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 this subsection. Such funds are in addition to funds otherwise available for such purposes.

WAR CRIMINALS

SEC. 659. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the ''Tribunal'') all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section:

(1) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term ''municipality'' means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 660. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 661. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2008, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2008, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic and Radovan Karadzic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Kosovo, humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 662. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 663. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 664. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

RECONCILIATION PROGRAMS

SEC. 665. Of the funds appropriated under the heading ''Economic Support Fund'', not less than $20,000,000 shall be made available to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 666. (a) LIMITATION ON ASSISTANCE.—Subject to subsection (b):

(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106–570) or any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(b) Subsection (a) shall not apply if the Secretary of State determines and certifies and reports to the Committees on Appropriations that—

(1) the Government of Sudan is honoring its pledges to cease attacks upon civilians and has disarmed and demobilized the Janjaweed and other government-supported militias;

(2) the Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements; and

(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

(c) EXCEPTIONS.—The provisions of subsection (a) shall not apply to—

(1) humanitarian assistance;

(2) assistance for Darfur and for areas outside the control of the Government of Sudan; and

(3) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized peace agreement in Sudan.

(d) DEFINITIONS.—For the purposes of this Act, the term ''Government of Sudan'' shall not include the Government of Southern Sudan.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 667. (a) UNITED NATIONS DEVELOPMENT PROGRAM.—Prior to the initial obligation of funds appropriated in this Act under the heading ''International Organizations and Programs'' for a United States contribution to the United Nations Development Program (UNDP), the Secretary of State shall certify and report to the Committees on Appropriations that UNDP is—

(1) giving adequate and appropriate access to information to the United States Mission to the United Nations regarding UNDP's programs and activities, as requested, including in North Korea and Burma;

(2) conducting appropriate oversight of UNDP programs and activities globally; and

(3) implementing the whistleblower protection policy established by the United Nations Secretariat in December 2005.

(b) WORLD BANK.—Twenty percent of the funds appropriated by this Act under the heading ''International Development Association'' shall be withheld from disbursement until the Secretary of the Treasury reports to the Committees on Appropriations that—

(1) the World Bank has made publicly available, in an appropriate manner, financial disclosure forms of senior World Bank personnel, including those at the level of managing director, vice president, and above;

(2) the World Bank has established a plan and maintains a schedule for conducting regular, independent audits of internal management controls and procedures for meeting operational objectives, and is making reports describing the scope and findings of such audits available to the public;

(3) the World Bank is adequately staffing and sufficiently funding the Department of Institutional Integrity;

(4) the World Bank has made publicly available the Department of Institutional Integrity's November 23, 2005 ''Report of Investigation into Reproductive and Child Health I Project Credit N0180 India'' and any subsequent detailed implementation review, and is implementing the recommendations of the Department of Institutional Integrity regarding this project, including recommendations concerning the prosecution of individuals engaged in corrupt practices; and

(5) the World Bank has made publicly available the ''Volker Panel'' report regarding the review and evaluation of the mandate and authorities, policies, procedures, practices, independence, reporting lines, and oversight mechanisms of the World Bank's Department of Institutional Integrity.

(c) REPORT.—The Comptroller General of the United States shall conduct an assessment of the financial management and oversight of programs and activities funded under the headings ''Millennium Challenge Corporation'', ''Global Health Programs'' (for HIV/AIDS programs), and ''Global HIV/AIDS Initiative'' in this Act and prior Acts making appropriations for foreign operations, export financing, and related programs. The assessment shall include an examination of donor coordination efforts, and recommendations for improving financial oversight of such programs and activities.

(d) NATIONAL BUDGET TRANSPARENCY.—(1) None of the funds appropriated by this Act may be made available for assistance for the central government of any country that fails to make publicly available on an annual basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive subsection (d)(1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interests of the United States.

(3) The reporting requirement pursuant to section 585(b) of Public Law 108–7 regarding fiscal transparency and accountability in countries whose central governments receive United States foreign assistance shall apply to this Act.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 668. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2008, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Latvia, Lithuania,

Moldova, Mongolia, Pakistan, Romania, Slovakia, and Ukraine.

ZIMBABWE

SEC. 669. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

DEVELOPMENT GRANTS PROGRAM

SEC. 670. (a) ESTABLISHMENT OF THE PROGRAM.—There is established within the United States Agency for International Development (USAID) a Development Grants Program (DGP) to provide small grants to United States and indigenous nongovernmental organizations for the purpose of carrying out the provisions of chapters 1 and 10 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961.

(b) ELIGIBILITY FOR GRANTS.—Grants from the DGP shall be made only for proposals of nongovernmental organizations identified in the report accompanying this Act that are recommended for consideration for funding by that report, and for proposals of other nongovernmental organizations that apply.

(c) COMPETITION.—To the maximum extent practicable, grants made pursuant to the authority of this section shall be open, transparent and competitive.

(d) SIZE OF PROGRAM AND INDIVIDUAL GRANTS.—

(1) Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $50,000,000 shall be made available for purposes of this section: Provided, That not more than 50 percent of this amount shall be derived from funds appropriated to carry out chapter 1 of part I of such Act.

(2) No individual grant, or grant amendment, made pursuant to this section shall exceed $2,000,000.

(e) AVAILABILITY OF OTHER FUNDS.—Funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 665, Reconciliation Programs.

(f) DEFINITION.—For purposes of this section, the term ''nongovernmental organization'' means a private and voluntary organization or for-profit entity, and shall not include entities owned in whole or in part by a government or governmental entity.

(g) REPORT.—Within 90 days from the date of enactment of this Act, and after consultation with the Committees on Appropriations, the Administrator of USAID shall submit a report to those Committees describing the procedures and mechanisms USAID will use to implement this section.

MONITORING OF MILITARY ASSISTANCE

SEC. 671. Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the procedures being applied, on a country-by-country basis, to monitor whether funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Bangladesh, Democratic Republic of the Congo, Ethiopia, Pakistan, Philippines, and Sri Lanka, are misused by units of the security forces of such countries against civilians, including civilians who are members of political opposition parties and human rights groups.

DISASTER ASSISTANCE AND RECOVERY

SEC. 672. (a) Funds made available to the Comptroller General under chapter 4 of title I of the Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 69) and section 593 of the Foreign Operations, Export Financing, and Programs Agencies Appropriations Act, 2001 (Public Law 106–429; 114 Stat. 1900A–59) to monitor the provisions of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, and to monitor the earthquake relief and reconstruction efforts in El Salvador under section 561 of the Foreign Operations, Export Financing, and Programs Agencies Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2162) shall also be available to the Comptroller General to monitor any other disaster assistance and recovery effort.

(b) This section shall apply with respect to fiscal year 2008 and each year thereafter.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 673. (a) AUTHORITY.—Up to $81,000,000 of the funds made available in this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2009.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect-hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect-hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for ''Operating Expenses of the United States Agency for International Development''.

(g) MANAGEMENT REFORM PILOT.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: Provided, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other nondirect-hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States''.

(h) DISASTER SURGE CAPACITY.—Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

OPIC TRANSFER AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

SEC. 674. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title II of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That funds earmarked by this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

REPORTING REQUIREMENT

SEC. 675. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2008, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', and ''Peacekeeping Operations'': Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

ENVIRONMENT AND ENERGY CONSERVATION PROGRAMS

SEC. 676. (a) BIODIVERSITY.—Of the funds appropriated under the heading ''Development Assistance'', not less than $195,000,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries, of which not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2006 shall be made available for such activities in Brazil, Colombia, Ecuador, Peru and Bolivia, and that in addition to such amounts for such countries not less than $15,000,000 shall be made available for the United States Agency for International Development's Amazon Basin Conservation Initiative: Provided, That of the funds appropriated by this Act, not less than $2,000,000 should be made available for wildlife conservation and protected area management in the Boma-Jonglei landscape of Southern Sudan, and not less than $17,500,000 shall be made available for the Congo Basin Forest Partnership of which not less than $2,500,000 shall be made available to the United States Fish and Wildlife Service for wildlife conservation programs in Central Africa.

(b) ENERGY.—

(1) Of the funds appropriated by this Act, not less than $195,000,000 shall be made available to support clean energy and other climate change programs in developing countries, of which not less than $125,000,000 should be made available to directly promote and deploy energy conservation, energy efficiency, and renewable and clean energy technologies with an emphasis on small hydro, solar and wind energy, and of which the balance should be made available to directly: (1) reduce greenhouse gas emissions; (2) increase carbon sequestration activities; and (3) support climate change mitigation and adaptation programs.

(2) The Secretary of State shall convene an interagency committee, including appropriate officials of the Department of State, the United States Agency for International Development, and the Environmental Protection Agency, to evaluate the specific needs of developing countries in adapting to climate change impacts:

Provided, That the Secretary shall submit a report to the Committees on Appropriations not later than September 1, 2008, describing such needs, on a country-by-country and regional basis, and the actions planned and being taken by the United States, including funding provided to developing countries specifically for adaptation to climate change impacts.

(c) EXTRACTION OF NATURAL RESOURCES.—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States that any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource should not be provided unless the government of the country has in place functioning systems for: (A) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported; (B) the independent auditing of such accounts and the widespread public dissemination of the audits; and (C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other national resource since September 30, 2007, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (c)(1).

(d) Funds appropriated under titles II, III and IV of this Act shall to the maximum extent practicable, be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

UZBEKISTAN

SEC. 677. (a) LIMITATION ON ASSISTANCE.—Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the ''Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America'', including respect for human rights, establishing a genuine multiparty system, and ensuring free and fair elections, freedom of expression, and the independence of the media; and

(2) a credible international investigation of the May 13, 2005, shootings in Andijan is underway with the support of the Government of Uzbekistan.

(b) SANCTIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall send to the appropriate congressional committees a list of officials of the Government of Uzbekistan and their immediate family members who the Secretary has credible evidence to believe have been involved in the Andijan massacre or in other gross violations of human rights in Uzbekistan;

(c) IMPOSITION OF SANCTIONS.—Not later than 10 days after the list described in subsection (b) is submitted to the appropriate congressional committees, the following sanctions shall apply:

(1) Any individual on the list submitted under subsection (b) shall be ineligible for a visa to enter the United States.

(2) No property or interest in property belonging to an individual on the list submitted under subsection (b), or to a member of the immediate family of such individual if the property is effectively under the control of such individual, may be transferred, paid, exported, withdrawn, or otherwise dealt with, if the property is within the United States or within the possession or control of a United States person, including the overseas branch of such person, or after the date of the enactment of this Act comes within the control of such person.

(3) No United States person may engage in financial transactions with an individual on the list submitted under subsection (b), or with a member of the immediate family of such individual if the transaction will benefit an individual on the list submitted under subsection (b).

(c) FREEZING OF ASSETS.—

(1) IN GENERAL.—The Secretary of the Treasury shall immediately block any assets, property, transactions in foreign exchange, currency, or securities, and transfers of credit or payments between, by, through, or to any banking institution under the jurisdiction of the United States of an individual identified under subsection (b) of this section.

(2) REPORTING REQUIREMENT.—Not later than 15 days after a decision to freeze the assets identified in this subsection of any individual identified under subsection (b), the Secretary of the Treasury shall—

(A) report the name of such individual to the Committees on Appropriations; and

(B) require any United States financial institution holding such funds or assets to promptly report those funds and assets to the Office of Foreign Assets Control.

CENTRAL ASIA

SEC. 678. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

(c) Not later than October 1, 2008, the Secretary of State shall submit a report to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 12-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term ''countries of Central Asia'' means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

DISABILITY PROGRAMS

SEC. 679. (a) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries, of which $1,500,000 should be made available to disability advocacy organizations that have expertise in working to protect the rights and increasing the independence and full participation of people with disabilities: Provided, That funds for disability advocacy organizations should be used for training and technical assistance for foreign disabled persons organizations in such areas as advocacy, education, independent living, and transportation, with the goal of promoting equal participation of people with disabilities in developing countries: Provided further, That USAID should seek to disburse at lease 25 percent of the funds made available pursuant to this subsection in the form of small grants.

(b) Funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the Administrator of USAID shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

(e) Not later than 180 days after the date of enactment of this Act, and 180 days thereafter, the Administrator of USAID shall submit a report describing the programs, activities, and organizations funded pursuant to this section.

NEGLECTED TROPICAL DISEASES

SEC. 680. Of the funds appropriated under the heading ''Global Health Programs'', not less than $15,000,000 shall be made available for continued support of the United States Agency for International Development's cooperative agreement to implement an integrated response to the control of neglected diseases including intestinal parasites, schistosomiasis, lymphatic filariasis, onchocerciasis, trachoma and leprosy: Provided, That the Administrator of the United States Agency for International Development shall work with relevant technical organizations addressing the specific diseases, recipient countries, donor countries, the private sector, UNICEF and the World Health Organization to develop a multilateral, integrated initiative to control these diseases that will enhance coordination and effectiveness and maximize the leverage of United States contributions with those of other donors: Provided further, That funds made available pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 681. Of the funds appropriated under title III of this Act, $3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions: Provided, That funds made available under title III of this Act should be made available, as appropriate, consistent with—

(1) the goal of enabling children to remain in the care of their family of origin, but when not possible, placing children in permanent homes through adoption;

(2) the principle that such placements should be based on informed consent which has not been induced by payment or compensation;

(3) the view that long-term foster care or institutionalization are not permanent options and should be used when no other suitable permanent options are available; and

(4) the recognition that programs that protect and support families can reduce the abandonment and exploitation of children.

COORDINATOR OF ACTIVITIES RELATING TO INDIGENOUS PEOPLES INTERNATIONALLY

SEC. 682. (a) COORDINATOR.—After consultation with the Committees on Appropriations and not later than 90 days after the enactment of this Act, there shall be established within the Department of State in the immediate office of the Director of United States Foreign Assistance a Coordinator of Activities Relating to Indigenous Peoples Internationally (hereinafter in this section referred to as the ''Coordinator''), who shall be appointed by the Director. The Coordinator shall report directly to the Director.

(b) RESPONSIBILITIES.—The Coordinator shall:

(1) Serve as a principal advisor to the Director of United States Foreign Assistance and the Administrator of the United States Agency for International Development on matters relating to the rights and needs of indigenous peoples internationally and should represent the United States Government on such matters in meetings with foreign governments and multilateral institutions.

(2) Provide for the oversight and coordination of all resources, programs, projects, and activities of the United States Government to protect the rights and address the needs of indigenous peoples internationally; and

(3) Develop and coordinate assistance strategies with specific goals, guidelines, benchmarks, and impact assessments (including support for local indigenous peoples' organizations).

(c) FUNDS.—Of the funds appropriated by this Act under the heading ''Diplomatic and Consular Programs'', not less than $250,000 shall be made available for implementing the provisions of this section.

(d) REPORT.—Not later than one year after the enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations describing progress made in implementing this section.

OVERSIGHT OF IRAQ RECONSTRUCTION

SEC. 683. Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 129 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(1) in subsection (o)(1)(B) by striking ''fiscal year 2006 or fiscal year 2007'' and inserting ''fiscal years 2006 through 2008''. Section 1054 of Public Law 109–364 is amended by striking ''fiscal year 2006'' and inserting ''fiscal years 2006 through 2008''; and

(2) by adding at the end of such section the following subsection:

''(p) RULE OF CONSTRUCTION.—For the purposes of carrying out the duties of the Inspector General, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

DEMOBILIZATION AND DISARMAMENT IN COLOMBIA

SEC. 684. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated in this Act, up to $12,000,000 may be made available in fiscal year 2008 for assistance for the demobilization and reintegration of former members of foreign terrorist organizations (FTOs) in Colombia, if the Secretary of State consults with and makes a certification described in subsection (b) to the Committees on Appropriations prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) assistance for the fiscal year will be provided only for individuals who have: (A) verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups; (B) are meeting all the requirements of the Colombia Demobilization Program, including having disclosed their involvement in past crimes and their knowledge of the FTO's structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared; and (C) are not involved in acts of intimidation or violence;

(2) the Government of Colombia is providing full cooperation to the Government of the United States to extradite the leaders and members of the FTOs who have been indicted in the United States for murder, kidnapping, narcotics trafficking, or other violations of United States law, and is immediately extraditing to the United States those commanders, leaders and members indicted in the United States who have breached the terms of the Colombia Demobilization Program, including by failing to fully confess their crimes, failing to disclose their illegal assets, or committing new crimes since the approval of the Justice and Peace Law;

(3) the Government of Colombia is not taking any steps to legalize the titles of land or other assets illegally obtained and held by FTOs, their associates, or successors, has established effective procedures to identify such land and other assets, and is confiscating and returning such land and other assets to their rightful owners;

(4) the Government of Colombia is implementing a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations; and

(5) funds shall not be made available as cash payments to individuals and are available only for activities under the following categories: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

(c) NOTIFICATION.—Funds made available by this Act for demobilization and reintegration of members of FTOs shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

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

(2) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

INDONESIA

SEC. 685. Of the funds appropriated under the heading ''Foreign Military Financing Program'', $15,700,000 may be made available for assistance for Indonesia, and an additional $2,000,000 may be made available when the Secretary of State reports to the Committees on Appropriations that the Government of Indonesia has written plans to effectively—

(1) provide accountability for past violations of human rights by members of the Indonesian military;

(2) allow public access to West Papua; and

(3) pursue the criminal investigation, and provide the projected timeframe for completing the investigation, of the murder of Munir Said Thalib.

ASSISTANCE FOR GUATEMALA

SEC. 686. (a) Funds appropriated by this Act under the heading ''International Military Education and Training'' that are available for assistance for Guatemala, other than for expanded international military education and training, may be made available only for the Guatemalan Air Force and Navy: Provided, That such funds may be made available only if the Secretary of State certifies that the Guatemalan Air Force and Navy are respecting human rights and are cooperating with civilian judicial investigations and prosecutions of military personnel who have been credibly alleged to have committed violations of human rights.

(b) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not more than $500,000 may be made available for the Guatemalan Air Force and Navy: Provided, That such funds may be made available only if the Secretary of State certifies that the Guatemalan Air Force and Navy are respecting human rights and are cooperating with civilian judicial investigations and prosecutions of military personnel who have been credibly alleged to have committed violations of human rights, and the Guatemalan Armed Forces are fully cooperating with the International Commission Against Impunity in Guatemala.

(c) Funds made available for assistance for Guatemala under the headings referred to in this section shall be subject to the regular notification procedures of the Committees on Appropriations.

CHILD SOLDIERS

SEC. 687. (a) No military assistance shall be furnished with funds appropriated by this Act and, during the current fiscal year, no military equipment or technology shall be sold or transferred pursuant to the authorities contained in this Act or any other Act, to the government of a country that is identified by the Department of State's 2006 Country Reports on Human Rights Practices as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, forces that recruit or use child soldiers.

(b) The Secretary of State may provide assistance or defense articles otherwise prohibited under subsection (a) to a country upon certifying to the Committees on Appropriations that the government of such country has implemented effective measures to demobilize children from its forces or from government-supported armed groups and prohibit and prevent the future recruitment or use of child soldiers.

(c) The Secretary of State may waive the application to a country of the prohibition in subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such waiver is important to the national interest of the United States.

PHILIPPINES

SEC. 688. Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not to exceed $30,000,000 may be made available for assistance for the Philippines, and an additional $2,000,000 may be made available when the Secretary of State reports to the Committees on Appropriations that—

(1) the Philippine Government is implementing the recommendations of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions;

(2) the Philippine Government is implementing a policy of promoting military personnel who demonstrate professionalism and respect for human rights, and is investigating and prosecuting military personnel and others who have been credibly alleged to have committed extrajudicial executions or other violations of human rights; and

(3) the Philippine military is not engaging in acts of intimidation or violence against members of legal organizations who advocate for human rights.

PAKISTAN

SEC. 689. (a) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', $300,000,000 may be made

available for assistance for Pakistan, unless the Secretary of State reports to the Committees on Appropriations that the Government of Pakistan is not—

(1) making effective and consistent efforts to prevent Al Qaeda and associated terrorist groups from operating in the territory of Pakistan, including by eliminating terrorist training camps or facilities, arresting members of Al Qaeda and associated terrorist groups, and countering recruitment efforts;

(2) making effective and consistent efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and

(3) implementing democratic reforms, including by—

(A) allowing free, fair and inclusive elections in accordance with internationally recognized democratic norms;

(B) ensuring freedom of expression and ending harassment of journalists and government critics by security and intelligence forces; and

(C) respecting the independence of the judiciary and implementing judicial decisions.

(b) If the Secretary reports pursuant to subsection (a), funds that are available for assistance for Pakistan pursuant to this section which have not been made available may be transferred to and merged with funds appropriated by this Act under the heading ''Economic Support Fund'' and used for basic education, health, micro-enterprise development, and democracy programs in Pakistan.

SRI LANKA

SEC. 690. None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies and reports to the Committees on Appropriations that—

(1) the Sri Lankan military is suspending and the Sri Lankan Government is bringing to justice members of the military who have been credibly alleged to have committed gross violations of human rights, including extrajudicial executions and the recruitment of child soldiers;

(2) the Sri Lankan Government has provided unimpeded access to humanitarian organizations and journalists to Tamil areas of the country; and

(3) the Sri Lankan Government has agreed to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka.

PEACE CORPS SEPARATION PAY

SEC. 691. (a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund for the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

(b) FUNDING.—The Director of the Peace Corps may deposit in such fund—

(1) amounts previously obligated and not canceled for separation pay of host country resident personal services contractors of the Peace Corps; and

(2) amounts obligated for fiscal years after 2006 for the current and future costs of separation pay for host country resident personal services contractors of the Peace Corps.

(c) AVAILABILITY.—Beginning in fiscal year 2007 and thereafter, amounts in the fund are available without fiscal year limitation for severance, retirement, or other separation payments to host country resident personal services contractors of the Peace Corps in countries where such pay is legally authorized.

MULTILATERAL DEVELOPMENT BANKS

SEC. 692. (a) INDEPENDENT AUDITING AND INSPECTOR GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director to each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the following United States policy goals:

(1) Each multilateral development bank should—

(A) establish an independent Office of Inspector General, establish or strengthen an independent auditing function at the bank, and require that the Inspector General and the auditing function report directly to the board of directors of the bank; and

(B) adopt and implement an internationally recognized internal controls framework, allocate adequate staffing to auditing and supervision, require external audits of internal controls, and external audits of loans where fraud is suspected.

(2) Each multilateral development bank should establish effective procedures for the receipt, retention, and treatment of—

(A) complaints received by the bank regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters; and

(B) the confidential, anonymous submission, particularly by employees of the bank, of concerns regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters.

(b) WORLD BANK INSPECTION PANEL.—The Secretary of the Treasury shall instruct the United States Executive Director to the World Bank to inform the Bank of, and use the voice and vote of the United States to achieve transparency reforms of the selection process for members of the World Bank Inspection Panel, including—

(1) Widely circulating Inspection Panel position vacancy announcements on the Inspection Panel's website and in appropriate publications;

(2) Notifying civil society organizations on the Inspection Panel's website and on other appropriate World Bank websites and inviting nominations from such groups;

(3) Making public the schedule of the selection process;

(4) Posting the list of nominees and applicants on the Inspection Panel's website; and

(5) Including a civil society representative on the World Bank selection committee for the Inspection Panel member.

(c) ANTI-CORRUPTION TRUST PILOT PROGRAM.—

(1) AUTHORITY.—The Secretary of the Treasury shall seek the creation of a pilot program that establishes an Anti-Corruption Trust at the World Bank, the purposes of which should include—

(A) to assist poor countries in investigations and prosecutions of fraud and corruption related to loans, grants, or credits of the World Bank; and

(B) to determine whether such a program should be carried out at other multilateral development banks.

(2) POOR COUNTRIES DEFINED.—In this subsection, the term ''poor countries'' means countries eligible to borrow from the International Development Association.

(3) REPORT.—Not later than 180 days after enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing the actions taken to establish the Anti-Corruption Trust.

(c) AUTHORIZATIONS.—

(1) Section 501(i) of title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public law 106–113, as amended by section 591(b) of Division D of Public Law 108–447, is further amended by striking ''fiscal'' and all that follows through ''which'' and inserting in lieu thereof ''fiscal years 2000–2010, which''.

(2) Section 801(b)(1)(ii) of Public Law 106–429, as amended by section 591(a)(2) of Division D of Public law 108–447, is further amended by striking ''fiscal years 2004–2006'' and by inserting in lieu thereof ''fiscal years 2004–2010.''.

MILLENNIUM CHALLENGE CORPORATION

SEC. 693. Section 607(b) of the Millennium Challenge Act of 2003 (22 U.S.C. 7706) is amended—

(1) in paragraph (2)(B) by striking ''and the sustainable management of natural resources'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'';

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding the following subparagraph:

''(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources.''.

MATERIAL SUPPORT

RELIEF FOR IRAQI, MONTAGNARDS, HMONG AND OTHER REFUGEES WHO DO NOT POSE A THREAT TO THE UNITED STATES

SEC. 694. (a) AMENDMENT TO AUTHORITY TO DETERMINE THE BAR TO ADMISSION INAPPLICABLE.—Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

''The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) shall not apply with respect to an alien within the scope of that subsection or that subsection (a)(3)(B)(vi)(III) shall not apply to a group within the scope of that subsection, except that no such waiver may be extended to an alien who is within the scope of subsection (a)(3)(B)(i)(II), no such waiver may be extended to an alien who is a member or representative of, has voluntarily and knowingly engaged in or endorsed or espoused or persuaded others to endorse or espouse or support terrorist activity on behalf of, or has voluntarily and knowingly received military-type training from a terrorist organization that is described in subclause (I) or (II) of subsection (a)(3)(B)(vi), and no such waiver may be extended to a group that has engaged terrorist activity against the United States or another democratic country or that has purposefully engaged in a pattern or practice of terrorist activity that is directed at civilians. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review of a final order of removal pursuant to section 1252 of this title, and review shall be limited to the extent provided in section 1252(a)(2)(D). The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of this title.''.

(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES.—For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Karen National Union/Karen Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, the Karenni National Progressive Party, and appropriate groups affiliated with the Hmong and the Montagnards shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of enactment of

this section. Nothing in this subsection may be construed to alter or limit the authority of the Secretary of State or the Secretary of Homeland Security to exercise his discretionary authority pursuant to 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)).

(c) TECHNICAL CORRECTION.—(1) In General.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking ''Subclause (VII)'' and replacing it with ''Subclause (IX)''.

(d) DESIGNATION OF THE TALIBAN AS A TERRORIST ORGANIZATION.—For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Taliban shall be considered to be a terrorist organization described in subclause (I) of clause (vi) of that section.

(e) REPORT ON DURESS WAIVERS.—The Secretary of Homeland Security shall provide to the Committees on the Judiciary of the United States Senate and House of Representatives a report, not less than 180 days after the enactment of this Act and every year thereafter, which may include a classified annex, if appropriate, describing—

(1) the number of individuals subject to removal from the United States for having provided material support to a terrorist group who allege that such support was provided under duress;

(2) a breakdown of the types of terrorist organizations to which the individuals described in paragraph (1) have provided material support;

(3) a description of the factors that the Department of Homeland Security considers when evaluating duress waivers; and

(4) any other information that the Secretary believes that the Congress should consider while overseeing the Department's application of duress waivers.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section, and these amendments and sections 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) and 1182(d)(3)(B)), as amended by these sections, shall apply to—

(A) removal proceedings instituted before, on, or after the date of enactment of this section; and

(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

CLUSTER MUNITIONS

SEC. 695. During the current fiscal year, no military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher tested rate; and

(2) the agreement applicable to the assistance, transfer, or sale of the cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.

CUBA

SEC. 696. (a) Subject to subsection (b), of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'', $1,000,000 shall be made available for preliminary work by the Department of State, or such other entity as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the Secretary certifies to the Committees on Appropriations that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is credible evidence of involvement of the Government of Cuba in drug trafficking during the preceeding 10 years.

LIBYA

SEC. 697. (a) None of the funds appropriated by this Act may be made available for—

(1) construction of a new United States embassy in Libya;

(2) activities in Libya related to energy development; or

(3) activities in Libya which support investment in Libya's hydrocarbon sector, including the processing of applications for dual-use export licenses.

(b) The prohibitions in subsection (a) shall no longer apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Libya has made the final settlement payments to the Pan Am 103 victims' families, paid to the LaBelle Disco bombing victims their agreed upon settlement amounts, and is engaging in good faith settlement discussions regarding other relevant terrorism cases.

(c) Not later than 90 days after enactment of this Act and 90 days thereafter, the Secretary shall submit a report to the Committees on Appropriations describing (1) actions taken by the Department of State to facilitate a resolution of these cases; and (2) United States commercial activities in Libya's energy sector.

CARRY FORWARD OF UNUSED SPECIAL IMMIGRANT VISAS

SEC. 698. Section 1059(c) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended by adding at the end the following:

''(3) CARRY FORWARD.—If the numerical limitation described in paragraph (1) is not reached during a given fiscal year, the numerical limitation for the following fiscal year shall be increased by a number equal to the difference between the number of visas authorized for the given fiscal year and the number of aliens provided special immigrant status during the given fiscal year.''.

GLOBAL FUND CONTRIBUTION

(INCLUDING RESCISSION OF FUNDS)

SEC. 699. (a) The amount appropriated or otherwise made available by title III for bilateral assistance for Global Health Programs is hereby increased by $40,000,000.

(b) The amount appropriated or otherwise made available for such purpose and available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria is hereby increased by $40,000,000.

(c) Of the unobligated balances of amounts appropriated or otherwise made available in prior appropriations Acts under the heading ''Economic Support Fund'', $40,000,000 is rescinded.

REFERENCES

SEC. 699A. Except as otherwise provided, any reference in titles II through V, including the general provisions for such titles, to ''this Act'' shall be deemed to be a reference to titles II through V of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008.

SUPPORT FOR DEMOCRACY, THE RULE OF LAW, AND GOVERNANCE IN IRAN

SEC. 699B. Of the amount appropriated or otherwise made available by title III for other bilateral economic assistance under the heading ''ECONOMIC SUPPORT FUND'', $75,000,000 shall be made available for programs of the Bureau of Near Eastern Affairs of the Department of State to support democracy, the rule of law, and governance in Iran.

REMOVAL OF CERTAIN RESTRICTIVE ELIGIBILITY REQUIREMENTS APPLICABLE TO FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 699C. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States, and shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

SEC. 699D. None of the funds made available in this Act may be expended in violation of section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) (relating to discontinuing granting visas to nationals of countries that are denying or delaying accepting aliens removed from the United States).

ADDITIONAL PEACE CORPS FUNDING

SEC. 699E. (a) The amount appropriated or otherwise made available by title III under the heading ''PEACE CORPS'' is hereby increased by $10,000,000.

(b) The amount appropriated or otherwise made available by title IV under the heading ''FOREIGN MILITARY FINANCING PROGRAM'' is hereby reduced by $10,000,000.

RIGHT TO BEAR ARMS

SEC. 699F. None of the funds made available under this Act may be made available to any international organization, agency, or entity (including the United Nations) that requires the registration of or taxes a gun owned by a citizen of the United States.

TRANSPARENCY AND ACCOUNTABILITY OF THE UNITED NATIONS

SEC. 699G. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used by the Department of State as a contribution to the United Nations or any subsidiary body of the United Nations, including any organization that is authorized to use the United Nations logo, until the Secretary of State certifies that the United Nations, such subsidiary body of the United Nations, or such organization, as the case may be, is fully and publicly transparent about all of its spending, including for procurement purposes, that occurred during fiscal year 2007, including the posting on a publicly available web site of—

(1) copies of all contracts, grants, subcontracts, and subgrants awarded or utilized during fiscal year 2007;

(2) copies of all program reviews, audits, budgets, and project progress reports relating to fiscal year 2007; and

(3) any other financial information deemed necessary by the Secretary.

(b) The documents required to be made available under subsection (a) shall be in unredacted form, except that such information as determined necessary by the Secretary to protect the identity of whistleblowers or other informants to investigations and reports and proprietary information may be redacted.

WITHHOLDING OF UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 699H. (a)(1) No funds appropriated or otherwise made available by this Act for contributions to international organizations may be made available to support the United Nations Human Rights Council.

(2) The prohibition under paragraph (1) shall not apply if—

(A) the President determines and certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that the provision of funds to support the United Nations Human Rights Council

is in the national interest of the United States; or

(B) the United States is a member of the Human Rights Council.

SEC. 699I. STUDY OF WORLD BANK'S EFFORTS TO MEASURE THE SUCCESS OF THE PROJECTS IT FINANCES. (a) SENSE OF CONGRESS.—It is the sense of Congress that the World Bank should increase its focus on performance requirements and measurable results.

(b) STUDY.—The Comptroller General of the United States should conduct a study on the actions taken by the World Bank to—

(1) measure the success of the projects financed by IDA;

(2) employ accurate means to measure the effectiveness of projects financed by IDA;

(3) combat corruption in governments that receive IDA funding;

(4) establish clear objectives for IDA projects and tangible means of assessing the success of such projects; and

(5) use World Bank processes and procedures for procurement of goods and services on projects receiving financial assistance from the World Bank.

SEC. 669J. SENSE OF THE SENATE REGARDING IRAQ REFUGEE CRISIS. (a) FINDINGS.—Congress makes the following findings:

(1) The annual United States worldwide ceiling for refugees has been 70,000 since 2002.

(2) The Department of State has yet to use all of the available allocation that could be used for Iraqi refugees.

(3) Since 2003, more than 2,000,000 Iraqis have fled their country and over 2,000,000 Iraqis are also displaced within Iraq.

(4) It has become increasingly clear that people who have assisted the United States, Iraqi Christians and other religious minorities cannot safely return to Iraq.

(5) The United States Government has an obligation to help these refugees and should act swiftly to do so.

(6) The United States Government should increase the allocation of refugee slots for Iraqi refugees for resettlement in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should act swiftly to respond to the deepening humanitarian and refugee crisis in Iraq by using the entire United States refugee allocation for the Near East/South Asia region and any unused portion of the worldwide allocation for Iraqi refugees, particularly people who have assisted the United States and religious minorities.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 699K. (a) The amount appropriated or otherwise made available by title II for the Overseas Private Investment Corporation under the heading ''PROGRAM ACCOUNT'' is hereby increased by $8,000,000.

(b) The amount appropriated or otherwise made available by title V for ''CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION'' is hereby reduced by $8,000,000.

UNITED STATES-EGYPT FRIENDSHIP ENDOWMENT

SEC. 699L. Of the funds appropriated by this Act and prior Acts making appropriations for foreign operations, export financing, and related programs under the heading ''Economic Support Fund'' that are available for assistance for Egypt, up to $500,000,000 may be made available for an endowment to further social, economic and political reforms in Egypt: Provided, That the Secretary of State shall consult with the Committees on Appropriations on the establishment of such an endowment and appropriate benchmarks for the uses of these funds.

IRAQ

SEC. 699M. (a) None of the funds appropriated or otherwise made available by this Act may be made available for assistance for Iraq.

(b) Not later than 30 days after enactment of this Act the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of Iraq is committed to combating corruption in Iraq and the specific actions and achievements of the Government of Iraq in combating corruption, to include a list of those senior Iraqi leaders who have been credibly alleged to be engaged in corrupt practices and activities.

(c) Notwithstanding any other provision of law, policy, or regulation, none of the funds made available in this Act or any other Act making appropriations for foreign operations, export financing, and related programs may be made available for assistance for Iraq unless the Secretary of State, in consultation with the Secretary of Defense, certifies to the Committees on Appropriations that the Departments of State and Defense are providing the Committees on Appropriations, including relevant staff, regular, full and unfettered access to programs in Iraq for the purposes of conducting oversight.

(d) Subsections (a) and (c) shall not apply to the ninth and thirteenth provisos under the heading ''Economic Support Fund'' in this Act.

ANTI-KLEPTOCRACY

SEC. 699N. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, not later than 90 days after the date of enactment of this Act the Secretary of State shall send to the appropriate congressional committees a list of officials of the governments of Angola, Burma, Cambodia, Equatorial Guinea, Democratic Republic of the Congo, and the Republic of the Congo, and their immediate family members, who the Secretary has credible evidence to believe have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Not later than 10 days after the list described in subsection (a) is submitted to the appropriate congressional committees, the following sanctions shall apply:

(1) Any individual on the list submitted under subsection (a) shall be ineligible for a visa to enter the United States.

(2) No property or interest in property belonging to an individual on the list submitted under subsection (a), or to a member of the immediate family of such individual if the property is effectively under the control of such individual, may be transferred, paid, exported, withdrawn, or otherwise dealt with, if the property is within the United States or within the possession or control of a United States person, including the overseas branch of such person, or after the date of the enactment of this Act comes within the control of such person.

(3) No United States person may engage in financial transactions with an individual on the list submitted under subsection (a), or with a member of the immediate family of such individual if the transaction will benefit an individual on the list submitted under subsection (a).

UGANDA

SEC. 699O. (a) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing a strategy for substantially enhancing United States efforts to resolve the conflict between the Lord's Resistance Army (LRA) and the Government of Uganda (GOU), including—

(1) direct and sustained participation by the United States in confidence-building measures in furtherance of the peace process;

(2) increased diplomatic pressure on the Democratic Republic of the Congo (to eliminate the LRA's current safe haven) and on Sudan;

(3) brokering direct negotiations between the GOU and the leaders of the LRA on personal security arrangements; and

(4) financial support for disarmament, demobilization, and reintegration to provide mid-level LRA commanders incentives to return to civilian life.

(b) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $5,000,000 shall be made available to implement the strategy described in subsection (a).

COMPREHENSIVE NUCLEAR THREAT REDUCTION AND SECURITY PLAN

SEC. 699P. (a) Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive nuclear threat reduction and security plan, in classified and unclassified forms—

(1) for ensuring that all nuclear weapons and weapons-usable material at vulnerable sites are secure by 2012 against the threats that terrorists have shown they can pose;

(2) for working with other countries to ensure adequate accounting and security for such materials on an ongoing basis thereafter; and

(3) for making security improvements to ensure, to the maximum extent feasible, that the existing United States nuclear weapons stockpile and weapons-usable material be protected from the threats terrorists have shown they can pose.

(b) For each element of the accounting and security effort described under subsection (a)(2), the plan shall—

(1) clearly designate agency and departmental responsibility and accountability;

(2) specify program goals, with metrics for measuring progress, estimated schedules, and specified milestones to be achieved;

(3) provide estimates of the program budget requirements and resources to meet the goals for each year;

(4) provide the strategy for diplomacy and related tools and authority to accomplish the program element;

(5) provide a strategy for expanding the financial support and other assistance provided by other countries, particularly Russia, the European Union and its member states, China, and Japan, for the purposes of securing nuclear weapons and weapons-usable material worldwide;

(6) outline the progress in and impediments to securing agreement from all countries that possess nuclear weapons or weapons-usable material on a set of global nuclear security standards, consistent with their obligation to comply with United Nations Security Council Resolution 1540;

(7) describe the steps required to overcome impediments that have been identified; and

(8) describe global efforts to promulgate best practices for securing nuclear materials.

(c) SENSE OF THE SENATE.—The Administration shall not sign any agreement with the Russian Federation on low enriched uranium that does not include a requirement that a portion of the low enriched uranium be derived from highly enriched uranium.

RULE OF LAW AND BORDER SECURITY IN EGYPT

SEC. 699Q. (a) The Senate makes the following findings:

(1) Fighting in Gaza during the summer of 2007 demonstrated that the terrorist organization Hamas, which unlawfully seized control over Gaza in June 2007, has been able to achieve a dramatic increase in the quantity and sophistication of arms at its disposal.

(2) Without these arms, the terrorist organization would not have been able to seize control over the Gaza territory.

(3) There is substantial evidence that a significant proportion of these arms were smuggled across the border between Gaza and Egypt.

(4) The Egyptian military is a capable force, made possible in substantial part by a close relationship with the United States.

(5) Concurrent with the escalation of dangerous arms smuggling across the border between Egypt and Gaza has been a retrogression in the rule of law in Egypt.

(6) This loss of hard-earned ground has been characterized by reports of harsh reaction by the Government of Egypt to dissent, including the jailing of political opponents.

(7) The United States has provided aid to Egypt in excess of $28,000,000,000 over the past three decades.

(b) The Senate—

(1) reaffirms its long-standing friendship with the people of Egypt;

(2) believes that our friendship with Egypt requires the Senate to address such vital policy concerns;

(3) urges the Government of Egypt to make concrete and measurable progress on restoring the rule of law, including improving the independence of the judiciary and improving criminal procedures and due process rights and halting the cross-border flow of arms to Gaza;

(4) believes it is the best interest of Egypt, the region, and the United States that Egypt takes prompt action to demonstrate progress on these matters; and

(5) urges the Department of State to work vigorously and expeditiously with the Government of Egypt and the Government of Israel to bring the border between Egypt and Gaza border under effective control.

This Act may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008''.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 878, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the amendment of the Senate with the amendments printed in House Report 110–497.

AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2764

Page 1 of the amendment of the Senate, strike line 1 and all that follows through page 227, line 2, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consolidated Appropriations Act, 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Explanatory statement.
Sec. 5. Emergency designations.
Sec. 6. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agencies and Food and Drug Administration
Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related Agencies
Title V—General Provisions
Title VI—Rescissions

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of Defense—Civil: Department of the Army
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent Agencies
Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia

DIVISION E—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Title I—Department of Homeland Security
Title II—Security, Enforcement, and Investigations
Title III—Protection, Preparedness, Response, and Recovery
Title IV—Research and Development, Training, and Services
Title V—General Provisions
Title VI—Border Infrastructure and Technology Modernization

DIVISION F—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related Agencies
Title IV—General Provisions
Title V—Wildfire Suppression Emergency Appropriations

DIVISION G—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions
Title VI—National Commission on Children and Disasters

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

Title I—Legislative Branch Appropriations
Title II—General Provisions

DIVISION I—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related Agencies
Title IV—General Provisions

DIVISION J—DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

Title I—Department of State and Related Agencies
Title II—Export and Investment Assistance
Title III—Bilateral Economic Assistance
Title IV—Military Assistance
Title V—Multilateral Economic Assistance
Title VI—General Provisions

DIVISION K—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of Transportation
Title II—Department of Housing and Urban Development
Title III—Related Agencies
Title IV—General Provisions This Act

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding the consolidated appropriations amendment of the House of Representatives to the amendment of the Senate to H.R. 2764, printed in the House section of the Congressional Record on or about December 17, 2007 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through K of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. EMERGENCY DESIGNATIONS.

Any designation in any division of this Act referring to this section is a designation of an amount as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 6. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,097,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,487,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,466,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,270,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $931,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,361,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,850,000: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $854,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $20,496,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $673,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $196,252,000, to remain available until expended, of which $156,590,000 shall be available for payments to the General Services Administration for rent and the Department of Homeland Security for building security: Provided, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $4,886,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $23,144,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,795,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,338,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $80,052,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $39,227,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $596,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, $77,943,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, $163,355,000, of which up to $52,351,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,128,944,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That hereafter none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $47,082,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $672,997,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $197,192,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $24,966,000; for payments to eligible institutions (7 U.S.C. 3222), $41,340,000, provided that each institution receives no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $92,422,000, of which $2,095,000 shall be for grants pursuant to 7 U.S.C. 3155; for competitive grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,421,000; for competitive research grants (7 U.S.C. 450i(b)), $192,229,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,006,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $825,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,091,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,544,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $990,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,701,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $875,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,423,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $988,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $6,089,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,218,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $990,000; for aquaculture grants (7 U.S.C. 3322), $3,956,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $13,688,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $750,000; and for necessary expenses of Research and Education Activities, $42,451,000, of which $2,723,000

for the Research, Education, and Economics Information System and $2,151,000 for the Electronic Grants Information System, are to remain available until expended: Provided, That hereafter none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided further, That hereafter this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $456,460,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $276,596,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $66,019,000; payments for the pest management program under section 3(d) of the Act, $9,860,000; payments for the farm safety program under section 3(d) of the Act, $4,759,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, $1,485,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $17,389,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,024,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $467,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,036,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,600,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,750,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $36,103,000, provided that each institution receives no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $1,750,000; and for necessary expenses of Extension Activities, $17,301,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $56,244,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $42,286,000, including $12,738,000 for the water quality program, $14,699,000 for the food safety program, $4,125,000 for the regional pest management centers program, $4,419,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,375,000 for the crops affected by Food Quality Protection Act implementation, $3,075,000 for the methyl bromide transition program, and $1,855,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $2,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $737,000, to remain available until September 30, 2009, for the critical issues program; $1,321,000 for the regional rural development centers program; and $9,900,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2009.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $6,440,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $721,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $873,754,000, of which $1,000,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $37,269,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $9,750,000 shall be available for a National Animal Identification program; of which $51,725,000 shall be used to conduct a surveillance and preparedness program for highly pathogenic avian influenza: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2008, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $76,862,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,233,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,798,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $11,709,000, of which not less than $1,875,000 shall be used to make a grant under this heading: Provided, That of the amount provided under this heading, $8,500,000, to remain available until expended, is for specialty crop block grants authorized under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note), of which not to exceed five percent may be available for administrative expenses.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $38,785,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building

during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $600,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $930,120,000, of which no less than $829,807,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 83 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2008 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, $3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: Provided further, That not to exceed $650,000 is for construction of a laboratory sample receiving facility: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $632,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,134,045,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That none of the funds made available by this Act may be used to pay the salary or expenses of any officer or employee of the Department of Agriculture to close or relocate any county or field office of the Farm Service Agency (other than a county or field office that had zero employees as of February 7, 2007), or to develop, submit, consider, or approve any plan for any such closure or relocation before enactment of an omnibus authorization law to provide for the continuation of agricultural programs for fiscal years after 2007.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,400,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,713,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,471,257,000, of which $1,247,400,000 shall be for unsubsidized guaranteed loans and $223,857,000 shall be for direct loans; operating loans, $1,875,686,000, of which $1,024,650,000 shall be for unsubsidized guaranteed loans, $271,886,000 shall be for subsidized guaranteed loans and $579,150,000 shall be for direct loans; Indian tribe land acquisition loans, $3,960,000; and for boll weevil eradication program loans, $100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $14,952,000, of which $4,990,000 shall be for unsubsidized guaranteed loans, and $9,962,000 shall be for direct loans; operating loans, $134,561,000, of which $24,797,000 shall be for unsubsidized guaranteed loans, $36,270,000 shall be for subsidized guaranteed loans, and $73,494,000 shall be for direct loans; and Indian tribe land acquisition loans, $125,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $311,229,000, of which $303,309,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $76,658,000: Provided, That not more than $11,166,000 of the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for program compliance and integrity purposes, including the data mining project, and for the Common Information Management System: Provided further, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $742,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $840,326,000, to remain available until September 30, 2009: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C.

2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $30,000,000, to remain available until expended: Provided, That not to exceed $15,500,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $20,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,088,000, to remain available until expended: Provided, That not to exceed $3,073,000 shall be available for national headquarters activities.

HEALTHY FORESTS RESERVE PROGRAM

For necessary expenses to carry out the Healthy Forests Reserve Program authorized under title V of Public Law 108–148 (16 U.S.C. 6571–6578), $2,000,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, $632,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $169,998,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $5,349,391,000 for loans to section 502 borrowers, of which $1,129,391,000 shall be for direct loans, and of which $4,220,000,000 shall be for unsubsidized guaranteed loans; $34,652,000 for section 504 housing repair loans; $70,000,000 for section 515 rental housing; $130,000,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,485,000 for credit sales of acquired property, of which up to $1,485,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $156,224,000, of which $105,824,000 shall be for direct loans, and of which $50,400,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,796,000; repair, rehabilitation, and new construction of section 515 rental housing, $29,827,000; section 538 multi-family housing guaranteed loans, $12,220,000; credit sales of acquired property, $552,000; and section 523 self-help housing and development loans, $142,000: Provided, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30, 2008, shall be carried over until September 30, 2009, and made available for such housing projects only in the State of Alaska: Provided further, That any unobligated balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $452,927,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $482,090,000, to remain available through September 30, 2009; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to $6,000,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2008 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $28,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $5,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, $3,000,000 shall be available for the cost of loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the funds made available under this heading, $20,000,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing

USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $39,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $39,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $22,000,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $68,952,000, to remain available until expended: Provided, That $6,300,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That $14,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That $4,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That not to exceed $1,000,000 of the amount appropriated under this heading shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: Provided further, That section 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, for the rural business development programs authorized by sections 306 and 310B and described in section 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $87,700,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That not to exceed $8,300,000 of the amount appropriated under this heading shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: Provided further, That section 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in section 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,772,000.

For the cost of direct loans, $14,485,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2008, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2008, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $880,000 shall be available through June 30, 2008, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,774,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $34,000,000 shall not be obligated and $34,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $28,023,000, of which $495,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,600,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,473,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which $19,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with empowerment zones and enterprise communities, $8,187,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): Provided, That the funds provided under this paragraph shall be made available to empowerment zones and enterprise communities in a manner and with the same priorities such funds were made available during the 2007 fiscal year.

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $36,000,000: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $562,565,000, to remain available until expended, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That $65,000,000 of the amount appropriated under this heading shall be for water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act and Native Americans authorized by 306C(a)(1): Provided further, That the Secretary shall allocate the funds described in the previous proviso in a manner consistent with the historical allocation for such populations under these authorities: Provided further, That not to exceed $18,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be made available for a grant to a qualified non-profit multistate regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed $13,750,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That not to exceed $12,700,000 of the amount appropriated under this heading shall be available through June 30, 2008, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of such Act: Provided further, That $20,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: Provided further, That section 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; guaranteed underwriting loans pursuant to section 313A, $500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $120,000, and the cost of telecommunications loans, $3,620,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,623,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $300,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $35,000,000, to remain available until expended: Provided, That $5,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $6,450,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $13,500,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $597,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $13,901,513,000, to remain available through September 30, 2009, of which $7,647,965,000 is hereby appropriated and $6,253,548,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That up to $5,505,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,020,000,000, to remain available through September 30, 2009, of which such sums as are necessary to restore the contingency reserve to $150,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2008; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $30,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds after the date of enactment of this Act: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That of the amount provided under this paragraph, $400,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $39,782,723,000, of which $3,000,000,000 to remain available through September 30, 2009, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the

combat zone: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to food stamp program integrity provided that such activities are authorized by the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $211,770,000, to remain available through September 30, 2009: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2008 to support the Seniors Farmers' Market Nutrition Program (SFMNP), such funds shall remain available through September 30, 2009: Provided further, That no funds available for SFMNP shall be used to pay State or local sales taxes on food purchased with SFMNP coupons or checks: Provided further, That the value of assistance provided by the SFMNP shall not be considered income or resources for any purposes under any Federal, State or local laws related to taxation, welfare and public assistance programs: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service, $142,727,000, of which $2,475,000 is for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $159,470,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480 and the Food for Progress Act of 1985, $2,680,000, to be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,219,400,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,328,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $4,985,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $343,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $2,247,961,000: Provided, That of the amount provided under this heading, $459,412,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2009 but collected in fiscal year 2008; $48,431,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $13,696,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2008, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2008 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $513,461,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $682,759,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $41,900,000 shall be available for the Office of Generic Drugs; (3) $236,985,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $109,244,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $267,284,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $44,316,000 shall be for the National Center for Toxicological Research; (7) not to exceed $99,922,000 shall be for Rent and Related activities, of which $38,808,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed $160,094,000 shall be for payments to the General Services Administration for rent; and (9) $133,896,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: Provided further, That of the amounts made available under this heading, $28,000,000 for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs shall be available from July 1, 2008, to September 30, 2009, for implementation of a comprehensive food safety performance plan: Provided further, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $2,450,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $112,050,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $46,000,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made

for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 182 passenger motor vehicles, of which 142 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, avian influenza programs, grasshopper program, up to $9,750,000 in animal health monitoring and surveillance for the animal identification system, up to $1,500,000 in the scrapie program for indemnities, up to $3,000,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the financial management modernization initiative and the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 713 of this Act.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 707. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 708. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 709. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 712. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which-ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 714. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2009 appropriations Act.

SEC. 715. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) from funds available for the Watershed and Flood Prevention Operations program for the Pocasset River Floodplain Management Project in the State of Rhode Island;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(3) through the Watershed Flood Prevention Operations program to carry out the Little Otter Creek Watershed project. The sponsoring local organization may obtain land rights by perpetual easements; and

(4) through the Watershed and Flood Prevention Operations program to the McDowell Grove Dam Flood Plain/Wetlands Restoration Project in DuPage County, Illinois.

SEC. 716. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or

until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: Provided, That not later than 60 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 717. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 718. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 26 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,000,000,000.

SEC. 720. None of the funds made available in fiscal year 2008 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 721. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 722. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 723. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 724. There is hereby appropriated $437,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 725. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year. Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, 2006, 2007, and 2008 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, 2006, 2007, and 2008 respectively, and except for fiscal year 2008 funds, are not available for new obligations.

SEC. 726. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 727. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 728. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 729. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 730. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 731. Of the amount available for Estimated Future Needs under section 32 of the Act of August 24, 1935, $184,000,000 are hereby rescinded: Provided, That in addition, of the unobligated balances under section 32 of the Act of August 24, 1935, $500,000,000 are hereby rescinded.

SEC. 732. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

SEC. 733. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.

SEC. 734. There is hereby appropriated $3,750,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 735. There is hereby appropriated $150,000, to remain available until expended, for the planning and design of construction of an agriculture pest facility in the State of Hawaii.

SEC. 736. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 737. The Secretary of Agriculture shall continue the Water and Waste Systems Direct Loan Program under the authority and conditions (including the fees, borrower interest rate, and the President's economic assumptions for the 2008 Fiscal Year, as of June 1, 2007) provided by the ''Continuing Appropriations Resolution, 2007''.

SEC. 738. (a) Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) in subparagraph (A) (as redesignated by subparagraph (B)), striking ''(B)'' and all that follows through ''shall not exceed'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B) and in addition to amounts made available under paragraph (3), payments to service institutions shall be'';

(D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''; and

(E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking ''(A), (B), and (C)'' and inserting ''(A) and (B)''; and

(2) in the second sentence of paragraph (3), by striking ''full amount of State approved'' and all that follows through ''maximum allowable''.

(b) CONFORMING AMENDMENT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) through (k) as subsections (f) through (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.

SEC. 739. There is hereby appropriated $9,900,000, to remain available until September 30, 2009, which, in conjunction with all unobligated balances available to the Secretary under section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)) shall be used to continue the Fresh Fruit and Vegetable Program (42 U.S.C. 1769(g)) in all currently participating States and expand the program to all the contiguous States and, Alaska, Hawaii and the District of Columbia not currently served by the authorized program: Provided, That of funds available under this section, not to exceed 5 percent may be available for Federal administrative costs, as determined by the Secretary of Agriculture: Provided further, That for the purposes of this section, ''currently participating States'' shall be defined as those authorized to participate under section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)) as well as those authorized to participate under section 779 of Public Law 109–97: Provided further, That implementation of the program in new States shall begin with school year 2008/2009.

SEC. 740. Section 704 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2258) is amended by striking the first proviso.

SEC. 741. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 742. There is hereby appropriated $800,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 743. (a) Sections 9001(a) and 9002 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 211, 214) are amended by striking ''February 28, 2007'' each place it occurs and inserting ''December 31, 2007''.

(b) There is hereby appropriated $20,000,000 for the ''Farm Service Agency, Salaries and Expenses''.

(c) Each amount provided by this section is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

SEC. 744. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking ''seven'' and inserting ''eight'';

(2) by striking ''five'' and inserting ''six''; and

(3) by inserting ''West Virginia,'' after the first instance of ''States shall be''.

SEC. 745. Hereafter, notwithstanding any other provision of law, of the funds made available for the Commodity Assistance Program under division B of Public Law 109–148, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006, all unexpended funds shall be made available to support normal program operations of the Commodity Supplemental Food Program under the Agriculture and Consumer Protection Act of 1973 and of the Emergency Food Assistance Program under the Emergency Food Assistance Act of 1983: Provided, That any commodities purchased with funds made available under Public Law 109–148 and remaining undistributed shall be used to support normal program operations under the authorities cited in this section.

SEC. 746. Notwithstanding any other provision of law, and until receipt of the decennial Census for the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Alamo, Texas; the City of Mercedes, Texas; the City of Weslaco, Texas; the City of Donna, Texas; the City of La Feria, Texas; and the City of Northampton, Massachusetts, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Business Program account;

(2) the City of Bainbridge Island, Washington; the City of Keene, New Hampshire; and the City of Havelock, North Carolina, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Community Facilities Program account;

(3) the City of Freeport, Illinois; Kitsap County (except the City of Bremerton), Washington; the City of Atascadero, California; and the City of Paso Robles, California, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Housing Insurance Fund Program account and the Rural Housing Assistance Grants account;

(4) the City of Canton, Mississippi, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Water and Waste Disposal Program account;

(5) the City of Parsons, Kansas; the Town of Boone, North Carolina; the City of Henderson, North Carolina; and the City of Lenoir, North Carolina, to be rural areas for the purposes of eligibility for loans and grants funded through the Rural Water and Waste Disposal Program account;

(6) the City of Lansing, Kansas, a rural area for purposes of eligibility for Rural Housing Service programs, and the City of Leavenworth, Kansas, and the City of Lansing, Kansas, as separate geographic entities for purposes of Rural Development grants and loans;

(7) the City of Binghamton, New York, for the purpose of upgrading a trunk line for waste transport to the Town of Conklin, New York, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Water and Waste Disposal Program account;

(8) the County of Lexington, South Carolina, shall be considered to be a rural area for the purposes of financing a farmers' market under the Business and Industry Loan Guarantee Program in a local area that has rural characteristics as determined by the Secretary; and

(9) the service areas being acquired by Mid-Kansas Electric Cooperative, except for the City of Dodge City, Kansas, shall be considered eligible for financing under the Rural Electrification Act of 1936, as amended.

SEC. 747. None of the funds made available in this Act may be used—

(1) to terminate any of the 13 field laboratories that are operated by the Food and Drug Administration as of January 1, 2007, or 20 District Offices, or any of the inspection or compliance functions of any of the 20 District Offices, of the Food and Drug Administration functioning as of January 1, 2007; or

(2) to consolidate any such laboratory with any other laboratory, or any such District Office, or any of the inspection or compliance functions of any District Office, with any other District Office.

SEC. 748. Hereafter, the Secretary may use funds made available in chapter 1 of division B of Public Law 109–148 for direct and guaranteed loans under title V of the Housing Act of 1949, to make or guarantee loans, as authorized under such Act, to finance housing and repairs to housing in rural areas affected by hurricanes that occurred during the 2005 calendar year.

SEC. 749. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food Stamp Act of 1977, $10,500,000 is hereby rescinded.

SEC. 750. Of the unobligated balances available in the Child and Adult Care Food Program for the purpose of conducting audits of participating institutions as provided for under section 796 of Public Law 109–97, $3,500,000 is hereby rescinded.

SEC. 751. EXTENSION OF AGRICULTURAL PROGRAMS. (a) EXTENSION.—Except as otherwise provided in this Act and notwithstanding any other provision of law, the authorities provided under the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 7 U.S.C. 7901 et seq.) and each amendment made by that Act (and for mandatory programs at such funding levels), as in effect on September 30, 2007, shall continue, and the Secretary of Agriculture shall carry out the authorities, until March 15, 2008.

(b) CONSERVATION PROGRAMS.—

(1) FARMLAND PROTECTION PROGRAM.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this subsection as the ''Secretary'') shall continue the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) at a funding level of $97,000,000 per year.

(2) GROUND AND SURFACE WATER CONSERVATION.—Notwithstanding any other provision of law, the Secretary shall continue the ground and surface water conservation program established under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) at a funding level of $60,000,000 per year.

(3) WILDLIFE HABITAT INCENTIVES PROGRAM.—Notwithstanding any other provision of law, the Secretary shall continue the wildlife habitat incentive program established under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) at a funding level of $85,000,000 per year.

(c) EXCEPTIONS.—This section does not apply with respect to—

(1) section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6));

(2) section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b));

(3) section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034);

(4) title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.);

(5) section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224);

(6) section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102);

(7) section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104);

(8) section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106); and

(9) subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911 et seq.), with respect to the 2008 crops (other than the 2008 crop of a loan commodity described in paragraph (11), (12), or (13) of section 1202(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932(b))).

SEC. 752. (a) Except as provided in subsection (c), there is hereby rescinded an amount equal to 0.7 percent of the budget authority provided for fiscal year 2008 for any discretionary account in division A of this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act, accompanying reports, or explanatory statement for the relevant fiscal year covering such account or item).

(c) The rescission in subsection (a) shall not apply to budget authority appropriated or otherwise made available by this Act in the following amounts in the following activities or accounts:

(1) $6,020,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department of Agriculture in division A.

(2) $930,120,000 provided for the Food Safety and Inspection Service in the Department of Agriculture in division A.

(3) Any amount designated as described in section 5 (in the matter preceding division A of this consolidated Act).

(d) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that specifies the account and amount of each rescission made pursuant to this section.

This division may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008''.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of

grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $413,172,000, to remain available until September 30, 2009, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $40,520,923 shall be for Manufacturing and Services; $41,384,054 shall be for Market Access and Compliance; $62,712,833 shall be for the Import Administration of which $5,900,000 shall be for the Office of China Compliance; $236,945,290 shall be for the United States and Foreign Commercial Service; and $25,146,400 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $72,855,000, to remain available until expended, of which $13,627,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $249,100,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,832,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,623,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $81,075,000, to remain available until September 30, 2009.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $202,838,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $1,027,406,000, to remain available until September 30, 2009: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include ''some other race'' as a category.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,466,000, to remain available until September 30, 2009: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $18,800,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,915,500,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2008, so as to result in a fiscal year 2008 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2008, should the total amount of offsetting fee collections be less than $1,915,500,000, this amount shall be reduced accordingly: Provided further, That any amount received in excess of $1,915,500,000 in fiscal year 2008, in an amount up to $100,000,000, shall remain available until expended: Provided further, That not less than 1,020 full-time equivalents, 1,082 positions and $214,150,000 shall be for the examination of trademark applications; and not less than 8,522 full-time equivalents, 9,000 positions and $1,701,402,000 shall be for the examination and searching of patent applications: Provided further, That not less than $16,015,000 shall be for training of personnel: Provided further, That $1,000,000 may be transferred to ''Departmental Management'', ''Salaries and Expenses'' for activities associated with the National Intellectual Property Law Enforcement Coordination Council: Provided further, That any deviation from the full-time equivalent, position, and funding designations set forth in the preceding provisos shall be subject to the procedures set forth in section 505 of this Act: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2008 for official reception and representation expenses: Provided further, That in fiscal year 2008, from the amounts made available for ''Salaries and Expenses'' for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2008: Provided further, That the Director may reduce patent filing fees payable in 2008 for documents filed electronically consistent with Federal regulation.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $440,517,000, to remain available until expended, of which not to exceed $6,580,000 may be transferred to the ''Working Capital Fund'': Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $89,640,000, to remain available until expended.

In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, $65,200,000, to remain available until expended: Provided, That of the $70,200,000 provided for in direct obligations under this heading, $65,200,000 is appropriated from the general fund and $5,000,000 is derived from recoveries of prior year obligations from the Advanced Technology Program.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities including agency recreational and welfare facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $160,490,000, to remain available until expended, of which $30,080,000 is for a competitive construction grant program for research science buildings: Provided, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: Provided further, That notwithstanding any other provision of law, of the amount made available for construction of research facilities, $7,332,000 shall be for the University of Mississippi Medical Center Biotechnology Research Park; $7,332,000 shall be for the Mississippi State University Research, Technology and Economic Development Park; $1,598,000 shall be for the University of Southern Mississippi Innovation and Commercialization Park Infrastructure and Building Construction and Equipage; $5,000,000 shall be for the Alabama State University Life Sciences Building; and $30,000,000 shall be for laboratory and research space at the University of South Alabama Engineering and Science Center.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,856,277,000, to remain available until September 30, 2009, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2010: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $77,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That of the $2,941,277,000 provided for in direct obligations under this heading $2,856,277,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $5,000,000 is derived from recoveries of prior year obligations: Provided further, That of the funds provided under this heading, $235,000 is made available until expended subject to procedures set forth in section 209 of Public Law 108–447: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $206,484,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $34,164,000: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year: Provided further, That if funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: Provided further, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: Provided further, That in accordance with section 215 of Public Law 107–372 the number of officers in the NOAA Commissioned Officer Corps shall increase to 321: Provided further, That of the funds provided, $13,395,000 is provided for the alleviation of economic impacts associated with Framework 42 on the Massachusetts groundfish fishery.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $979,207,000, to remain available until September 30, 2010, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $67,000,000, to remain available until September 30, 2009.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $44,294,000: Provided, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: Provided further, That of the amounts provided to the Secretary within this account, $10,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed, and met all best practices, and all Office of Management and Budget guidelines related to information technology projects.

HCHB RENOVATION AND MODERNIZATION

For expenses necessary for the renovation and modernization of the Herbert C. Hoover Building, $3,722,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,020,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such

transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. (a) Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking ''2007'' and inserting ''2009''.

(b) Paragraphs (1) and (2) of section 101(b) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) are each amended by striking ''in 1998'' and inserting ''since 1998''.

(c) Subparagraph (C) of section 101(c)(3) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking '', in 1998'' and inserting ''in 1998, and thereafter,''.

(d) The Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by adding at the end the following:

''SEC. 103. SALARIES AND ADMINISTRATIVE EXPENSES.

''(a) In addition to funds made available under section 101(j) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note), up to $1,000,000 in funds made available under section 101(f) of such Act may be used for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program.

''(b) Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program shall remain available until expended.''.

SEC. 106. Hereafter, notwithstanding any other provision of law, no funds appropriated under this Act shall be used to register, issue, transfer, or enforce any trademark of the phrase ''Last Best Place''.

SEC. 107. Section 3315(b) of title 19, United States Code, is amended by inserting '', including food when sequestered,'' following ''for the establishment and operations of the United States Section and for the payment of the United States share of the expenses''.

SEC. 108. Notwithstanding the requirements of subsection 4703(d), the personnel management demonstration project established by the Department of Commerce pursuant to 5 U.S.C. 4703 may be expanded to involve more than 5,000 individuals, and is extended indefinitely.

SEC. 109. Section 212(b) of the National Technical Information Act of 1988 (15 U.S.C. 3704b) is amended by striking ''Under Secretary of Commerce for Technology'' and inserting ''Director of the National Institute of Standards and Technology''.

SEC. 110. The Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.

SEC. 111. (a) The Secretary of Commerce is authorized to provide compensation to fishery participants who will be displaced by the 2011 fishery closure resulting from the creation by Presidential proclamation of the Papahānaumokuākea Marine National Monument.

(b) The Secretary shall promulgate regulations for the voluntary capacity reduction program that:

(1) identifies eligible participants as those individuals holding commercial Federal fishing permits for either lobster or bottomfish in the designated waters within the Papahānaumokuākea Marine National Monument;

(2) provides a mechanism to compensate eligible participants for no more than the economic value of their permits;

(3) at the option of each eligible permit holder, provides an optional mechanism for additional compensation based on the value of the fishing vessel and gear of such participants who so elect to receive these additional funds, provided that the commercial fishing vessels of such participants will not be used for fishing.

(c) There is authorized to be appropriated to the National Oceanic and Atmospheric Administration's National Marine Fisheries Service, $6,697,500 for fiscal year 2008.

(d) Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the Northwestern Hawaiian Islands or the tidal or submerged lands under any provision of State or Federal law.

SEC. 112. (a) For purposes of this section—

(1) the term ''Under Secretary'' means Under Secretary of Commerce for Oceans and Atmosphere;

(2) the term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science and Technology of the House of Representatives;

(3) the term ''satellite'' means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration, other than the National Polar-orbiting Operational Environmental Satellite System (NPOESS);

(4) the term ''development'' means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NOAA Administrative Order 216–108, Department of Commerce Administrative Order 208–3, and NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(5) the term ''development cost'' means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(6) the term ''life-cycle cost'' means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control;

(7) the term ''major program'' means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000;

(8) the term ''baseline'' means the program as set following contract award and critical design review of the space and ground systems.

(b)(1) NOAA shall not enter into a contract for development of a major program, unless the Under Secretary determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment;

(C) the program complies with all relevant policies, regulations, and directives of NOAA and the Department of Commerce;

(D) the program has demonstrated a high likelihood of accomplishing its intended goals; and

(E) the acquisition of satellites for use in the program represents a good value to accomplishing NOAA's mission.

(2) The Under Secretary shall transmit a report describing the basis for the determination required under paragraph (1) to the appropriate congressional committees at least 30 days before entering into a contract for development under a major program.

(3) The Under Secretary may not delegate the determination requirement under this subsection, except in cases in which the Under Secretary has a conflict of interest.

(c)(1) Annually, at the same time as the President's annual budget submission to the Congress, the Under Secretary shall transmit to the appropriate congressional committees a report that includes the information required by this section for the satellite development program for which NOAA proposes to expend funds in the subsequent fiscal year. The report under this paragraph shall be known as the Major Program Annual Report.

(2) The first Major Program Annual Report for NOAA's satellite development program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (b)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (d), who shall be an individual whose primary responsibility is overseeing the program.

(3) For the major program for which a Baseline Report has been submitted, subsequent Major Program Annual Reports shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(d)(1) The individual identified under subsection (c)(2)(E) shall immediately notify the Under Secretary any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more.

(2) Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (c)(2)(E) shall transmit to the Under Secretary a written notification explaining the reasons for the change in the cost of the program for which notification was provided under paragraph (1).

(3) Not later than 15 days after the Under Secretary receives a written notification under

paragraph (2), the Under Secretary shall transmit the notification to the appropriate congressional committees.

(e) Not later than 30 days after receiving a written notification under subsection (d)(2), the Under Secretary shall determine whether the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more. If the determination is affirmative, the Under Secretary shall—

(1) transmit to the appropriate congressional committees, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost and a detailed explanation for the increase;

(B) a description of actions taken or proposed to be taken in response to the cost increase; and

(C) a description of any impacts the cost increase, or the actions described under subparagraph (B), will have on any other program within NOAA.

(2) if the Under Secretary intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program. NOAA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Under Secretary makes a determination under this subsection. The Under Secretary shall transmit the analysis to the appropriate congressional committees not later than 30 days after its completion.

(f) For the purposes of determining whether cost of the Geostationary Operational Environmental Satellite Program exceeds 20 percent more than the baseline under this section, the estimate of the total life-cycle cost for GOES–R shall be the estimate provided with the NOAA Fiscal Year 2008 Presidential Budget justification (page 513).

SEC. 113. (a) The Secretary of Commerce may—

(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization, whether or not the United States is a party to the agreement establishing such organization; and

(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management and trade agreements.

(b) Action taken by the Secretary under subsection (a)(2) that include measures to restrict use of or access to ports or port services shall apply to all ports of the United States and its territories.

(c) The Secretary may promulgate regulations to implement this section.

SEC. 114. (a) Of the amounts provided for the ''National Oceanic and Atmospheric Administration, Operations, Research and Facilities'', $5,856,600 shall be for necessary expenses in support of an agreement between the Administrator of the National Oceanic and Atmospheric Administration and the National Academy of Sciences under which the National Academy of Sciences shall establish the Climate Change Study Committee to investigate and study the serious and sweeping issues relating to global climate change and make recommendations regarding what steps must be taken and what strategies must be adopted in response to global climate change, including the science and technology challenges thereof.

(b) The agreement shall provide for: establishment of and appointment of members to the Climate Change Study Committee by the National Academy of Sciences; organization by the National Academy of Sciences of a Summit on Global Climate Change to help define the parameters of the study, not to exceed 3 days in length and to be attended by preeminent experts on global climate change selected by the National Academy of Sciences; and issuance of a report by the Climate Change Study Committee not later than 2 years after the date the Climate Change Study Committee is first convened, containing its findings, conclusions, and recommendations. Of such amount, $856,600 shall be for the Summit on Global Climate Change and $5,000,000 shall be for the other activities of the Climate Change Study Committee.

This title may be cited as the ''Department of Commerce Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $97,832,000, of which not to exceed $3,317,000 is for security and construction of Department of Justice facilities, to remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That no appropriations for any office within General Administration shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That $12,221,000 is for Department Leadership; $7,383,000 is for Intergovernmental Relations/External Affairs; $11,402,000 is for Executive Support/Professional Responsibility; and $66,826,000 is for the Justice Management Division: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $85,540,000, to remain available until expended, of which not less than $19,740,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $74,260,000, to remain available until September 30, 2009: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $232,649,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account: Provided, That $3,760,000 shall be expended on the Executive Office for Immigration Review's Legal Orientation Programs.

For an additional amount for ''Administrative Review and Appeals'', $8,000,000 shall be for border security and immigration enforcement along the Southwest border: Provided, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,225,920,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed $5,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $70,603,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character: Provided, That within 200 days of enactment of this Act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $11,462,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $735,549,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for ''Legal Activities, General Legal Activities'', $10,000,000 shall be for border security and immigration enforcement along the Southwest border: Provided, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $147,819,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, fees collected for premerger notification filings

under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $139,000,000 in fiscal year 2008), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at $8,819,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,747,822,000: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $20,000,000 shall remain available until expended: Provided further, That of the amount provided under this heading, $5,000,000 shall be used for salaries and expenses for hiring assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children.

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $7,000,000 shall be for border security and immigration enforcement along the Southwest border: Provided, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $209,763,000, of which $20,000,000 shall be from prior year unobligated balances from funds previously appropriated, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $184,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the Fund estimated at $763,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $1,606,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $849,219,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be for information technology systems and shall remain available until expended; and of which not less than $11,653,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

For an additional amount for ''United States Marshals Service, Salaries and Expenses'', $15,000,000 shall be for border security and immigration enforcement along the Southwest border: Provided, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $2,304,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: Provided, That, not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,794,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $73,373,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $497,935,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; $6,349,950,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,308,580,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to national security: Provided, That not to exceed $205,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $170,000 shall be available in 2008 for expenses associated with the celebration of the 100th anniversary of the Federal Bureau of Investigation.

For an additional amount for ''Federal Bureau of Investigation, Salaries and Expenses'', $143,539,000 to address emerging threats in counterterrorism and cyber security: Provided, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $164,200,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,855,569,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

For an additional amount for ''Drug Enforcement Administration, Salaries and Expenses'', $2,000,000 for a communications intercept initiative in Afghanistan: Provided, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $984,097,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which $10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of

Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2008: Provided further, That, beginning in fiscal year 2008 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution; or (2) a Federal agency for a national security or intelligence purpose; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(1)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design or projects; $23,500,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 669, of which 642 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,050,440,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2009: Provided further, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $372,720,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,328,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); $400,000,000, including amounts for administrative costs, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—

(1) $13,160,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,350,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $183,800,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $17,390,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) $1,880,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) $59,220,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(5) $9,400,000 for sexual assault victims assistance, as authorized by section 202 of the 2005 Act;

(6) $40,420,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $3,290,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,820,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,400,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $36,660,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(11) $4,230,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

(12) $13,630,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(13) $6,580,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(14) $2,820,000 for an engaging men and youth in prevention program, as authorized by the 2005 Act;

(15) $940,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(16) $940,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(17) $2,820,000 for services to advocate and respond to youth, as authorized by section 401 of the 2005 Act;

(18) $2,820,000 for grants to assist children and youth exposed to violence, as authorized by section 303 of the 2005 Act;

(19) $2,820,000 for the court training and improvements program, as authorized by section 105 of the 2005 Act;

(20) $940,000 for grants for televised testimony, as authorized by part N of the 1968 Act; and

(21) $940,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and other programs (including Statewide Automated Victims Notification Program); including salaries and expenses in connection therewith, $196,184,000, to remain available until expended: Provided, That grants under subparagraphs (1)(A) and (B) of Public Law 98–473 are issued pursuant to rules or guidelines that generally establish a publicly-announced, competitive process: Provided further, That not to exceed $127,915,000 shall be expended in total for Office of Justice Programs management and administration.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $908,136,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account), to remain available until expended as follows:

(1) $170,433,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), of which $2,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement and $2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(2) $410,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) $30,080,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $2,820,000 for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(5) $187,513,000 for discretionary grants to improve the functioning of the criminal justice system and to assist victims of crime (other than compensation);

(6) $16,000,000 for competitive grants to improve the functioning of the criminal justice system and to assist victims of crime (other than compensation);

(7) $940,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(8) $9,400,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164;

(9) $15,200,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(10) $7,050,000 for a prescription drug monitoring program;

(11) $17,860,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79) including statistics, data, and research, of which $1,692,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(12) $9,400,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of the 1968 Act;

(13) $22,440,000 for assistance to Indian tribes, of which—

(A) $8,630,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) $8,630,000 shall be available for the Tribal Courts Initiative; and

(C) $5,180,000 shall be available for tribal alcohol and substance abuse reduction assistance grants;

(14) $2,500,000 for the Capital Litigation Improvement Grant Program as authorized by section 426 of Public Law 108–405; and

(15) $6,500,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000 for security and related costs, including overtime, associated with the two principal 2008 Presidential Candidate Nominating Conventions, to be divided equally between the conventions: Provided, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, to implement ''Weed and Seed'' program activities, $32,100,000, to remain available until expended, as authorized by section 103 of the Omnibus Crime Control and Safe Streets Act of 1968.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177) (including administrative costs), $587,233,000, to remain available until expended: Provided, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: Provided further, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $25,850,000 is for the matching grant program for armor vests for law enforcement officers, as authorized by section 2501 of the 1968 Act: Provided, That $1,880,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs;

(2) $61,187,000 is for grants to entities described in section 1701 of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177 and for other anti-methaphetamine-related activities;

(3) $205,366,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment;

(4) $11,750,000 is for an offender re-entry program;

(5) $9,400,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(6) $152,272,000 is for DNA related and forensic programs and activities as follows:

(A) $147,391,000 for a DNA analysis and capacity enhancement program including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000, as amended by the Debbie Smith Act of 2004, and further amended by Public Law 109–162;

(B) $4,881,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412): Provided, That unobligated funds appropriated in fiscal years 2006 and 2007 for grants as authorized under sections 412 and 413 of the foregoing public law are hereby made available, instead, for the purposes here specified;

(7) $15,040,000 is for improving tribal law enforcement, including equipment and training;

(8) $20,000,000 is for programs to reduce gun crime and gang violence;

(9) $3,760,000 is for training and technical assistance;

(10) $18,800,000 is for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(11) not to exceed $28,200,000 is for program management and administration;

(12) $20,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section; and

(13) $15,608,000 is for a national grant program the purpose of which is to assist State and local law enforcement locate, arrest and prosecute child sexual predators and exploiters, and to enforce State offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) $4,162,000 is for sex offender management assistance as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–162), and the Violent Crime Control Act of 1994 (Public Law 103–322); and

(B) $850,000 is for the National Sex Offender Public Registry.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $383,513,000, to remain available until expended as follows:

(1) $658,000 for concentration of Federal efforts, as authorized by section 204 of the 1974 Act;

(2) $74,260,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $93,835,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act;

(4) $70,000,000 for youth mentoring grants;

(5) $61,100,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $14,100,000 shall be for the Tribal Youth Program;

(B) $18,800,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) $15,040,000 for expenses authorized by part AA of the 1968 Act (Secure Our Schools);

(7) $16,920,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(8) $51,700,000 for the Juvenile Accountability Block Grants program as authorized by part R of the 1968 Act and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICERS BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the ''Justice Assistance'' account), to remain available until expended; and $4,854,000 for payments authorized by section 1201(b) of such Act; and $3,980,000 for educational assistance, as authorized by section 1212 of such Act: Provided, That, hereafter, funds available to conduct appeals under section 1205(c) of the 1968 Act, which includes all claims processing, shall be available also for the same under subpart 2 of such part L and under any statute authorizing payment of benefits described under subpart 1 thereof, and for appeals from final decisions of the Bureau (under such part or any such statute) to the Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction thereof (including those, and any related matters, pending), and for expenses of representation of hearing examiners (who shall be presumed irrebuttably to enjoy quasi-judicial immunity in the discharge of their duties under such part or any such statute) in connection with litigation against them arising from such discharge.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: Provided further, That none of the funds appropriated to ''Buildings and Facilities, Federal Prison System'' in this or any other Act may be transferred to ''Salaries and Expenses, Federal Prison System'', or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 206. The Attorney General is authorized to extend through September 30, 2009, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. Any deviation from the amounts designated for specific activities in this Act and accompanying report, or any use of deobligated balances of funds provided under this title in previous years, shall be subject to the procedures set forth in section 505 of this Act.

SEC. 212. (a) Section 589a of title 28, United States Code, is amended in subsection (b) by—

(1) striking ''and'' in paragraph (8);

(2) striking the period in paragraph (9) and inserting ''; and''; and

(3) adding the following new paragraph:

''(10) fines imposed under section 110(l) of title 11, United States Code.''.

(b) Section 110(l)(4)(A) of title 11, United States Code, is amended to read as follows:

''(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustees, who shall deposit an amount equal to such fines in the United States Trustee Fund.''.

SEC. 213. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking everything after ''whichever occurs first.'' and inserting in lieu thereof: ''The fee shall be $325 for each quarter in which disbursements total less than $15,000; $650 for each quarter in which disbursements total $15,000 or more but less than $75,000; $975 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,625 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,950 for each quarter in which disbursements total $225,000 or more but less than $300,000; $4,875 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $6,500 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $9,750 for each quarter in which disbursements total $2,000,000 or more but

less than $3,000,000; $10,400 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $13,000 for each quarter in which disbursements total $5,000,000 or more but less than $15,000,000; $20,000 for each quarter in which disbursements total $15,000,000 or more but less than $30,000,000; $30,000 for each quarter in which disbursements total more than $30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.''.

(b) This section and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act, whichever is later.

SEC. 214. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 215. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 216. Of the funds appropriated in this Act for the Federal Bureau of Investigation's Sentinel program, $25,000,000 shall not be available for obligation until 60 days after the Committees on Appropriations receive from the Federal Bureau of Investigation a report on the results of a completed integrated baseline review for that program: Provided, That the report shall be submitted simultaneously to the Government Accountability Office: Provided further, That the Government Accountability Office shall review the Bureau's performance measurement baseline for the Sentinel program and shall submit its findings to the Committees on Appropriations of the Senate and House of Representatives within 60 days of its receipt of the report.

SEC. 217. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review referred to in section 216 of this Act: Provided, That this restriction does not apply to planning and design activities for future phases: Provided further, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 218. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2008 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SEC. 219. Notwithstanding any other provision of law, a public or private institution of higher education may offer or provide an officer or employee of any branch of the United States Government or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment, and an officer or employee of any branch of the United States Government or of the District of Columbia may seek or receive such assistance or forbearance.

SEC. 220. (a) Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', territories, and Indian tribes (as defined in section 2704)'' after ''to assist States''; and

(B) in subparagraph (B), by striking ''and local'' and inserting '', territorial, Tribal, and local'';

(2) in paragraph (2), by inserting '', territories, and Indian tribes'' after ''make grants to States''; and

(3) in paragraph (3)(C), by inserting '', Tribal,'' after ''support State''.

(b) Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(a)) is amended by inserting '', territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))'' after ''make grants to States''.

(c) Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–3) is amended—

(1) in subsection (a)(2), by inserting '', territorial, or Tribal'' after ''State'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting '', territorial, or Tribal'' after ''State''; and

(ii) by striking ''and/or'' and inserting ''or'';

(B) in paragraph (2)—

(i) by inserting '', territory, Indian tribe,'' after ''agency of the State''; and

(ii) by inserting '', territory, Indian tribe,'' after ''criminal laws of that State''; and

(C) by adding at the end the following:

''(C) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d).''; and

(3) in subsection (c)—

(A) in paragraph (3), by striking ''Indian Tribes'' and inserting ''Indian tribes''; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''State's''; and

(II) by striking ''and/or'' and inserting ''or'';

(ii) in subparagraph (A), by striking ''State'';

(iii) in subparagraph (C), by inserting '', Indian tribes,'' after ''involved counties''; and

(iv) in subparagraph (D), by inserting '', Tribal'' after ''Federal, State''.

This title may be cited as the ''Department of Justice Appropriations Act, 2008''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,184,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

For necessary expenses in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $10,543,100,000, to remain available until September 30, 2009: Provided, That, of the amounts provided under this heading, $5,577,310,000 shall be for science, $625,280,000 shall be for aeronautics research, $3,842,010,000 shall be for exploration systems, and $556,400,000 shall be for cross-agency support programs: Provided further, That the amounts in the previous proviso shall be reduced by $57,900,000 in corporate and general administrative expenses and the reduction shall be applied proportionally to each amount therein: Provided further, That none of the funds under this heading shall be used for any research, development, or demonstration activities related exclusively to the human exploration of Mars.

EXPLORATION CAPABILITIES

For necessary expenses in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,733,700,000, to remain available until September 30, 2009: Provided, That of the amounts provided under this heading, $4,000,000,000 shall be for Space Shuttle operations, production, research, development, and support and $2,220,000,000 shall be for International Space Station operations, production, research, development, and support: Provided further, That amounts funded under this heading shall be reduced by $32,000,000 in corporate and general administrative expenses and the reduction shall be applied proportionally to each amount therein.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $32,600,000, to remain available until September 30, 2009.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the duration of availability of funds appropriated for ''Science, Aeronautics and Exploration'' or ''Exploration Capabilities'' under this title, when

any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and minor construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Science, Aeronautics and Exploration'' or ''Exploration Capabilities'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2010.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2008.

The Administrator of the National Aeronautics and Space Administration shall prepare a strategy for minimizing job losses when the National Aeronautics and Space Administration transitions from the Space Shuttle to a successor human-rated space transport vehicle. This strategy shall include: (1) specific initiatives that the National Aeronautics and Space Administration has undertaken, or plans to undertake, to maximize the utilization of existing civil service and contractor workforces at each of the affected Centers; (2) efforts to equitably distribute tasks and workload between the Centers to mitigate the brunt of job losses being borne by only certain Centers; (3) new workload, tasks, initiatives, and missions being secured for the affected Centers; and (4) overall projections of future civil service and contractor workforce levels at the affected Centers. The Administrator shall transmit this strategy to Congress not later than 90 days after the date of enactment of this Act. The Administrator shall update and transmit to Congress this strategy not less than every six months thereafter until the successor human-rated space transport vehicle is fully operational.

For fiscal year 2009 and hereafter, the National Aeronautics and Space Administration shall provide, at a minimum, the following information in its annual budget justification:

(1) The actual, current, proposed funding level, and estimated budgets for the next five fiscal years by directorate, theme, program, project and activity within each appropriations account.

(2) The proposed programmatic and non-programmatic construction of facilities.

(3) The budget for headquarters including—

(A) the budget by office, and any division thereof, for the actual, current, proposed funding level, and estimated budgets for the next five fiscal years;

(B) the travel budget for each office, and any division thereof, for the actual, current, and proposed funding level; and

(C) the civil service full time equivalent assignments per headquarters office, and any division thereof, including the number of Senior Executive Service, noncareer, detailee, and contract personnel per office.

(4) Within 14 days of the submission of the budget to the Congress an accompanying volume shall be provided to the Committees on Appropriations containing the following information for each center, facility managed by any center, and federally funded research and development center operated on behalf of the National Aeronautics and Space Administration:

(A) the actual, current, proposed funding level, and estimated budgets for the next five fiscal years by directorate, theme, program, project, and activity;

(B) The proposed programmatic and non-programmatic construction of facilities;

(C) The number of civil service full time equivalent positions per center for each identified fiscal year; and

(D) The number of civil service full time equivalent positions considered to be uncovered capacity at each location for each identified fiscal year.

(5) The proposed budget as designated by object class for each directorate, theme, and program.

(6) Sufficient narrative shall be provided to explain the request for each program, project, and activity, and an explanation for any deviation to previously adopted baselines for all justification materials provided to the Committees.

The Administrator of the National Aeronautics and Space Administration shall submit quarterly reports to the Inspector General of the National Aeronautics and Space Administration regarding the costs and contracting procedures relating to each conference or meeting, held by the National Aeronautics and Space Administration during fiscal year 2008 for which the cost to the Government was more than $20,000.

Each report submitted shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the number of and purpose of participants attending that conference or meeting;

(2) a detailed statement of the costs to the Government relating to that conference or meeting, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the National Aeronautics and Space Administration in evaluating potential contractors for any conference or meeting.

The Administrator of NASA shall, not later than September 30, 2008, submit to the appropriate committees of Congress a report on each conference for which the agency paid travel expenses during fiscal year 2008 that includes—

(1) the itemized expenses paid by the agency, including travel expenses and any agency expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference;

(4) in the case of a conference for which the agency was the primary sponsor, a statement that—

(A) justifies the location selected;

(B) demonstrates the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation how the conference advanced the mission of the agency; and

(E) the total number of individuals who travel or attendance at the conference was paid for in part or full by the agency.

In this provision, the term conference means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,821,474,000, to remain available until September 30, 2009, of which not to exceed $510,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2008 budget request for icebreaking services, up to $57,000,000 shall be available for the procurement of polar icebreaking services: Provided further, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: Provided further, That $2,240,000 shall be transferred to the ''Office of Science and Technology Policy'' for costs associated with the Science and Technology Policy Institute/RaDiUS: Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $220,740,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $725,600,000, to remain available until September 30, 2009.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $281,790,000: Provided, That contracts may be entered into under this heading in fiscal year 2008 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in

the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,969,000: Provided, That not to exceed $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $11,427,000, to remain available until September 30, 2009.

This title may be cited as the ''Science Appropriations Act, 2008''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,460,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $29,140,000 for payments to State and local enforcement agencies for authorized services to the Commission, $329,300,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,400,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $350,490,000, of which $332,390,000 is for basic field programs and required independent audits; $3,000,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,500,000 is for management and administration; $2,100,000 is for client self-help and information technology; and $500,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 United States Code 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 United States Code 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2007 and 2008, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $2,820,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses of the National Veterans Business Development Corporation established under section 33 of the Small Business Act (15 U.S.C. 657c), $1,410,000, to remain available until expended.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $44,120,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $3,760,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this Act or any other Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 507. Hereafter, none of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 510. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer

funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 511. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 512. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 513. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $590,000,000 shall not be available for obligation until the following fiscal year.

SEC. 514. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 515. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 516. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 517. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 518. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 519. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, or Director, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, or Foundation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, or the Director, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 520. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 521. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 522. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 523. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 524. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 525. (a)(1) The Administrator of the National Aeronautics and Space Administration shall modify the Administration's financial management system and perform all appropriate testing and assurance activities necessary for the system to be capable of properly budgeting, accounting for, controlling, and reporting on appropriations made to the Administration for fiscal year 2009 and thereafter under the appropriation accounts set out for the Administration in H.R. 3093 of the 110th Congress, as passed the House of Representatives.

(2) The Administrator shall transmit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a written report, on a

monthly basis until the certification under paragraph (3) is transmitted, on progress in complying with this subsection.

(3) Not later than April 1, 2008, the Administrator shall transmit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a written certification that the Administration's financial management system meets the requirements of this section.

(b) Beginning for the first full month after the date of enactment of this Act, the Administrator shall report in writing to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, on the 15th business day of each month, financial information on the execution of the Administration's budget for the preceding month and for the fiscal year to date. Each report under this subsection shall provide information on the Administration's budget, obligations incurred, and disbursements made, presented by—

(1) mission area (as reflected in the appropriation accounts set out for the Administration in H.R. 3093 of the 110th Congress, as passed the House of Representatives);

(2) program or project;

(3) Center; and

(4) object class, as well as any other financial information requested by the Committee on Appropriations of the House of Representatives or the Committee on Appropriations of the Senate.

SEC. 526. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be made available for a public-private competition conducted under Office of Management and Budget Circular A–76 or to convert a function performed by Federal employees to private sector performance without such a competition unless a representative designated by a majority of the employees engaged in the performance of the activity or function for which the public-private competition is conducted or which is to be converted without such a competition is treated as an interested party with respect to such competition or decision to convert to private sector performance for purposes of subchapter V of chapter 35 of title 31, United States Code.

SEC. 528. Section 605 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note) is amended—

(1) in the matter preceding paragraph (1) by striking ''$25,500,000 for fiscal year 2008'' and inserting ''$30,000,000 for each of fiscal years 2008 through 2010'';

(2) in each of paragraphs (1), (2), (3), (4), and (6) by striking ''2008'' and inserting ''2010''; and

(3) in paragraph (5) by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2010''.

SEC. 529. Effective January 13, 2007, section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a) is amended—

(1) by striking ''association'' in subsection (c)(4)(A)(iii) and inserting ''association, among willing parties'';

(2) by striking paragraph (2) of subsection (i);

(3) by striking ''(1) IN GENERAL.—'' in subsection (i) and resetting paragraph (1) as a full measure paragraph following ''(i) TRANSITION RULES.—''; and

(4) by redesignating subparagraphs (A), (B), and (C) of subsection (i)(1) (before its amendment by paragraph (3)) as paragraphs (1), (2), and (3), respectively and resetting them as indented paragraphs 2 ems from the left margin.

SEC. 530. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 531. Notwithstanding section 505 of this Act, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances.

SEC. 532. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for Fiscal Year 2008.

SEC. 533. (a) Subsection (a) of section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended—

(1) by striking ''Notwithstanding any other provision of law, the Administrator'' and inserting ''The Administrator''; and

(2) by striking ''any real property'' and inserting ''any non-excess real property and related personal property''; and

(3) by striking ''at no more than two (2) National Aeronautics and Space Administration (NASA) centers''.

(b) Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''consideration'' and all that follows through the end of the paragraph and inserting ''cash consideration for the lease at fair market value as determined by the Administrator.'';

(2) by striking paragraph (2);

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

(4) in paragraph (2), as redesignated by paragraph (3) of this subsection—

(A) in subparagraph (B), by striking ''maintenance'' and all that follows through ''centers selected for this demonstration program'' and inserting ''capital revitalization and construction projects and improvements of real property assets and related personal property under the jurisdiction of the Administrator''; and

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

''(C) Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.''.

(c) Subsection (e) of such section is amended—

(1) by striking ''LEASE RESTRICTIONS.—NASA'' and inserting the following: ''LEASE RESTRICTIONS.—

''(1) NASA''; and

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

''(2) NASA is not authorized to enter into an out-lease under this section unless the Administrator certifies that such out-lease will not have a negative impact on NASA's mission.''.

(d) Such section is further amended by adding at the end the following new subsection (f):

''(f) SUNSET.—The authority to enter into leases under this section shall expire on the date that is ten years after the date of the enactment of the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008. The expiration under this subsection of authority to enter into leases under this section shall not affect the validity or term of leases or NASA's retention of proceeds from leases entered into under this section before the date of the expiration of such authority.''.

(e) The heading of such section is amended by striking ''Enhanced-use lease of real property demonstration'' and inserting ''Lease of non-excess property''.

(f) This section shall become effective on December 31, 2008.

SEC. 534. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 535. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 536. This section may be cited as the ''ED 1.0 Act''.

(a) In this section:

(1) The term ''Administrator'' means the Administrator of the National Telecommunications and Information Administration.

(2) The term ''eligible educational institution'' means an institution that is—

(A) a historically Black college or university;

(B) a Hispanic-serving institution as that term is defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university as that term is defined in section 2(a)(4) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

(D) an Alaska Native-serving institution as that term is defined in section 317(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(2)); or

(E) a Native Hawaiian-serving institution as that term is defined in section 317(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(4)).

(3) The term ''historically Black college or university'' means a part B institution as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(b)(1)(A) There is established within the National Telecommunications and Information Administration a pilot program under which the Administrator shall award 9 grants to eligible educational institutions to enable the eligible educational institutions to develop digital and wireless networks for online educational programs of study within the eligible educational institutions. The Administrator shall award not less than 1 grant to each type of eligible educational institution, enumerated under subsection (a)(2).

(B)(i) The Administrator shall award a total of 9 grants under this subsection.

(ii) The Administrator shall make grant payments under this subsection in the amount of $500,000.

(2)(A) In awarding grants under this subsection the Administrator shall give priority to an eligible educational institution that, according to the most recent data available (including data available from the Bureau of the Census), serves a county, or other appropriate political subdivision where no counties exist—

(i) in which 50 percent of the residents of the county, or other appropriate political subdivision where no counties exist, are members of a racial or ethnic minority;

(ii) in which less than 18 percent of the residents of the county, or other appropriate political subdivision where no counties exist, have obtained a baccalaureate degree or a higher education;

(iii) that has an unemployment rate of 7 percent or greater;

(iv) in which 20 percent or more of the residents of the county, or other appropriate political subdivision where no counties exist, live in poverty;

(v) that has a negative population growth rate; or

(vi) that has a family income of not more than $32,000.

(B) In awarding grants under this subsection the Administrator shall give the highest priority to an eligible educational institution that meets the greatest number of requirements described in clauses (i) through (vi) of subparagraph (A).

(3) An eligible educational institution receiving a grant under this subsection may use the grant funds—

(A) to acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, or wireless infrastructure;

(B) to develop and provide educational services, including faculty development; or

(C) to develop strategic plans for information technology investments.

(4) The Administrator shall not require an eligible educational institution to provide matching funds for a grant awarded under this subsection.

(5)(A) The Administrator shall consult with the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, on a quarterly basis regarding the pilot program assisted under this subsection.

(B) Not later than 1 year after the date of enactment of this section, the Administrator shall submit to the committees described in subparagraph (A) a report evaluating the progress of the pilot program assisted under this subsection.

(c) There are authorized to be appropriated to carry out this section $4,500,000 for each of fiscal years 2008 and 2009.

(d) The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

SEC. 537. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 538. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 539. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking ''the 'Improving Emergency Communications Act of 2007'.'' and inserting ''the '911 Modernization Act'.''.

SEC. 540. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–55) is amended by inserting before ''an alien'' the following: ''a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or''.

SEC. 541. None of the funds made available in this Act may be used in contravention of section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 542. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 543. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

TITLE VI

RESCISSIONS

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $5,700,000 are rescinded.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $800,000 are rescinded.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $18,800,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(RESCISSION)

Of the unobligated balances available in accounts under this heading from prior year appropriations, $11,372,000 are rescinded.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $7,400,000 are rescinded.

JUSTICE INFORMATION SHARING TECHNOLOGY

(RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $41,000,000 are rescinded.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,300,000 are rescinded.

DETENTION TRUSTEE

(RESCISSION)

Of the unobligated balances available under this heading, $145,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $240,000,000 are rescinded.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $14,700,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $87,500,000 are rescinded, not later than September 30, 2008.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSIONS)

Of the unobligated balances available under this heading from prior year appropriations, $87,500,000 are rescinded, not later than September 30, 2008.

Of the unobligated funds previously appropriated from the Violent Crime Reduction Trust Fund under this heading, $10,278,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(RESCISSION)

Of the unobligated balances available to the National Aeronautics and Space Administration from prior year appropriations, $192,475,000 are rescinded: Provided, That within 30 days after the date of the enactment of this section the Administrator shall submit to the Committees on Appropriations a report specifying the amount of each rescission made pursuant to this section.

NATIONAL SCIENCE FOUNDATION

(RESCISSION)

Of the unobligated balances available to the National Science Foundation from prior year appropriations, $33,000,000 are rescinded: Provided, That within 30 days after the date of the enactment of this section the Director shall submit to the Committees on Appropriations a report specifying the amount of each rescission made pursuant to this section.

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008''.

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related purposes.

INVESTIGATIONS

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects; restudy of authorized projects, miscellaneous investigations; and, when authorized by law, surveys and detailed studies, and plans and specifications of projects

prior to construction, $167,261,000, to remain available until expended: Provided, That of the funds provided under this heading of Public Law 106–554, $100,000 are rescinded: Provided further, That using $2,952,000 of the funds provided herein, the Secretary of the Army acting through the Chief of Engineers shall continue the Louisiana Coastal Protection and Restoration study at full Federal expense: Provided further, That using $1,968,000 of the funds provided herein, the Secretary of the Army acting through the Chief of Engineers shall continue the Coastal Mississippi Hurricane and Storm Damage Reduction study at full Federal expense: Provided further, That funds in the amount of $461,000 are provided to continue environmental studies for the Pine Mountain Dam, Arkansas, project: Provided further, That cost sharing of preconstruction engineering and design shall be as previously applied to this activity.

CONSTRUCTION

(INCLUDING RESCISSIONS OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law, including a portion of the expenses for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,294,029,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock 27, Mississippi River, Illinois; Markland Locks and Dam, Kentucky and Indiana; Emsworth Locks and Dam, Ohio River, Pennsylvania; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund; and of which $7,380,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $4,796,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $4,428,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $42,312,000 shall be exclusively for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $9,840,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $0 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which $29,520,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $29,520,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which $5,292,000 shall be exclusively for projects and activities authorized under sections 204 and 207 of the Water Resources Development Act of 1992 and section 933 of the Water Resources Development Act of 1986: Provided, That the Chief of Engineers is directed to use $12,792,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use $1,968,000 of the funds provided herein for the Hawaii Water Management Project: Provided further, That the Chief of Engineers is directed to use $5,166,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $18,204,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $4,920,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: Provided further, That the Secretary of the Army is directed to use any remaining available funds from funds appropriated in Public Law 103–126 (107 Stat. 1315) for carrying out engineering and design for the relocation of the comfort and lifeguard stations on the Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York, project for construction of other features of the project: Provided further, That the Secretary of the Army is directed to use any remaining available funds from the funds appropriated in Public Law 107–66 (115 Stat. 488) for increasing the authorized level of protection for the Bois Brule Drainage and Levee District, Missouri, project, to continue design deficiency repairs on the project: Provided further, That the Chief of Engineers is directed to use $2,952,000 of the funds provided herein to initiate planning and design of a rural health care facility on the Fort Berthold Reservation of the Three Affiliated Tribes, North Dakota: Provided further, That $1,476,000 of the funds provided herein shall be available to continue detailed design including plans and specifications, execute a PCA and initiate construction of Phases I and II for the Greenbrier River Basin, Marlinton, West Virginia, project: Provided further, That the Secretary of the Army shall use up to $5,904,000 including the prior unobligated balance of $4,972,000 from the Devils Lake Outlet, North Dakota, project for the North Dakota environmental infrastructure project: Provided further, That the Secretary of the Army shall use the prior year unobligated balance of $1,500,000 from the Waterbury Dam repairs project for the Lake Champlain Watershed project: Provided further, That of the funds provided under this heading the following amounts are rescinded: from Public Law 101–101, $435,000; from Public Law 102–377, $1,740,000; from Public Law 103–126, $797,000; and from Public Law 105–245, $1,716,000.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $387,402,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That the Chief of Engineers is directed to use $9,840,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $9,840,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers (the ''Corps''), including administrative buildings and facilities, and laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,243,637,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: Provided, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2007, and September 30, 2008: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to $350,000 of the funds appropriated herein to reimburse the City of Glen Cove, New York, for costs associated with the maintenance dredging of Glen Cove Creek incurred prior to enactment of this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $180,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army

Corps of Engineers Finance Center, $175,046,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of the Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), $4,500,000 is provided.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2008, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project or activity;

(3) increases funds or personnel for any program, project or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity by either the House or the Senate Committees on Appropriations for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000; Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments; Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of the Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest: Provided further, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 102. None of the funds made available in this title may be used to award any continuing contract or make modifications to any existing continuing contract that commits an amount for a project in excess of the amounts appropriated for that project that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming to that project pursuant to section 101 of this Act.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 104. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 105. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 106. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 107. Using amounts available in the Revolving Fund, the Secretary of the Army is authorized to construct a new Environmental Laboratory and improvements to the Information Technology Laboratory at the Engineer Research and Development Center in Vicksburg, Mississippi: Provided, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 108. Notwithstanding section 729 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2267a), the Secretary shall credit toward the non-Federal share of the cost of the Rio Grande Basin Watershed Study, New Mexico, Colorado and Texas, the cost of in-kind services contributed by the New Mexico Interstate Stream Commission for the Study up to the full amount of the required non-Federal share, in accordance with the Agreement between the Commission and the Department of the Army dated December 3, 2001 as modified on January 14, 2002.

SEC. 109. Section 121 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2256) is amended by striking subsection (a) and inserting the following:

''(a) The Secretary of the Army may carry out and fund planning studies, watershed surveys and assessments, or technical studies at 100 percent Federal expense to accomplish the purposes of the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by subsection (b) and the collaborative program long-term plan. In carrying out a study, survey, or assessment under this subsection, the Secretary of the Army shall consult with Federal, State, tribal and local governmental entities, as well as entities participating in the Middle Rio Grande Endangered Species Collaborative Program referred to in section 205 of this Act: Provided, That the Secretary of the Army may also provide planning and administrative assistance to the Middle Rio Grande Endangered Species Collaborative Program, which shall not be subject to cost sharing requirements with non-Federal interests.''.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to convey at no cost, lands to Tate County School District, Tate County, Mississippi, the transfer of any real property interests, not to exceed 50 acres, at Arkabutla Lake deemed available by the Army that is located adjacent to school district property in the vicinity of State Highway 306 west of Coldwater, Mississippi. Such transfer shall be subject to the reservation of any required flowage easements for the operation of Arkabutla Lake and which preclude structures for human habitation. This property shall be used by the Tate County School District for public educational purposes.

SEC. 111. Section 594 of the Water Resources Development Act of 1999 is amended by striking ''SEC. 594. OHIO.'' and inserting in lieu thereof ''SEC. 594. OHIO AND NORTH DAKOTA.'' and in (a) strike ''Ohio.'' and insert in lieu thereof ''Ohio and North Dakota.'' and in (b) strike ''Ohio,'' and insert in lieu thereof ''Ohio and North Dakota,'' and in (h) strike ''$240,000,000.'' and insert in lieu thereof ''$240,000,000 for Ohio and $100,000,000 for North Dakota.''.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers, is directed and authorized to conduct preconstruction engineering and design activities at full Federal expense for the Kahuku Storm Damage Reduction Project, Oahu, Hawaii, which includes interior drainage and related improvements to be constructed on lands that may include Federal land, the cost of the preconstruction, engineering, and design activities shall be included in total project costs to be cost shared at the rate of 65 percent Federal and 35 percent non-Federal, as a part of construction and the Decision Document contents shall be limited to a design analysis and supporting NEPA documentation for drainage improvements.

SEC. 113. Section 227 of Public Law 104–303 is amended in section 5(a) by striking ''7'', and inserting ''12'' in lieu thereof.

SEC. 114. All budget documents and justification materials for the Corps of Engineers annual budget submission to Congress shall be assembled and presented based on the most recent annual appropriations Act: Provided, That new budget proposals for fiscal year 2008 and thereafter, shall not be integrated into the budget justifications submitted to Congress but shall be submitted separately from the budget justifications documents.

SEC. 115. The Secretary of the Army acting through the Chief of Engineers is directed to plan, design, and construct a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, at an estimated Federal cost of $20,000,000. The Secretary shall transfer this facility to the Secretary of the Interior for operation and maintenance upon the completion of construction.

SEC. 116. The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended by striking ''$5,000,000'' and inserting ''$7,000,000''.

SEC. 117. JOHNSON CREEK, ARLINGTON, TEXAS. (a) IN GENERAL.—The project for flood damage reduction, environmental restoration and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280–281) is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled Johnson Creek: A Vision of Conservation, dated March 30, 2006, at a total cost of $80,000,000, with an estimated Federal cost of $52,000,000 and an estimated non-Federal cost of $28,000,000 if the Secretary determines that the project is technically sound and environmentally acceptable.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials.

(2) CREDIT AND REIMBURSEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for implementation of the project, if the Secretary determines that the work is integral to the project. Subject to the availability of funds, the non- Federal interest shall be reimbursed for costs incurred by the non-Federal interest that exceed the non-Federal share of project costs.

(c) CONFORMING AMENDMENT.—Section 134 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2264) and section 5143 of the Water Resources Development Act of 2007, (Public Law 110–114) are repealed.

SEC. 118. The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 119. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580, 106 Stat. 4835 et seq.), as amended, is further amended by striking subsection ''(71) Coronado, California'', in its entirety and inserting the following:

''(71) CORONADO, CALIFORNIA.

''(A) $10,000,000 is authorized for wastewater infrastructure, Coronado, California.

''(B) The Federal Share may be in the form of grants or reimbursements of project costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project.

''(C) The Secretary is authorized to credit towards the non-Federal share of project costs the costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project.''

SEC. 120. NAVAJO RESERVATION, ARIZONA, NEW MEXICO, AND UTAH.—Section 520(b) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 345) is amended by inserting after the second sentence ''The local match for the funds appropriated for flood plain delineation on the Navajo reservation in Arizona, New Mexico, and Utah may be provided as in-kind services.''.

SEC. 121. The Secretary of the Army may, under such terms and conditions as the Secretary deems appropriate, contract with any public or private entity to provide visitor reservation services. Any such contract in effect on or after October 1, 2004, may provide that the contractor shall be permitted to deduct a commission to be fixed by the Secretary from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

SEC. 122. The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 and modified by section 4(k) of the Water Resources Development Act of 1988 is further modified to authorize the Secretary to construct the project at a total cost of $11,863,000, with an estimated first Federal cost of $8,722,000 and an estimated first non-Federal cost of $3,141,000.

SEC. 123. The project for St. John's Bayou and New Madrid Floodway in the State of Missouri as authorized by subsection (d) of the matter under the heading ''Lower Mississippi River'' under section 203 of the Flood Control Act of 1954 (68 Stat. 1258) and section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), and as modified by section 331 of the Water Resources Development Act of 1996 (110 Stat. 3658) as described in the June 2002 Revised Supplemental Impact Statement, as supplemented by the March 2006 Revised Supplemental Environmental Impact Statement 2 for this project is economically justified: Provided, That the levee closure and gravity structure at the south end of the New Madrid Floodway portion of the Project are part of the Mississippi River Levee feature of the Mississippi River and Tributaries Project and are not a separable element of that Project.

SEC. 124. Funds provided in title V, chapter 3 of Public Law 110–28 under the heading ''Construction'' may be used for restoration of shore protection projects in New Jersey damaged by the same meteorological events that resulted in Presidential Disaster Declaration FEMA–1694–DR.

SEC. 125. The project for flood control, Cedar Hammock (Wares Creek), Florida, authorized by section 101(a)(10) of Public Law 104–303 (110 Stat. 3664), is modified to authorize the Secretary to construct the project at a total cost of $42,600,000.

SEC. 126. Section 156 of Public Law 108–137 is amended by inserting ''or reimburse'' after ''non-Federal share of the cost of the project'' in paragraphs (2) and (3).

SEC. 127. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Mississippi River and Tributaries account.

SEC. 128. Section 3020 of the Water Resources Development Act of 2007, Public Law 110–114, is amended by inserting ''or after'' following the word ''before''.

SEC. 129. Notwithstanding provisions of 42 U.S.C. 2011 et seq. and 42 U.S.C. 7901 et seq. the U.S. Army Corps of Engineers shall have the authority to arrange disposal of waste materials from the Maywood, New Jersey, Formerly Utilized Sites Remedial Action Program (FUSRAP) site at off-site facilities permitted to accept such waste materials under subtitle C of the Resource Conservation and Recovery Act (42 U.S.C. 6921 et seq.). FUSRAP waste materials from the Maywood site may be, but shall not be required to be, disposed at sites licensed under the Atomic Energy Act (42 U.S.C. 2011 et seq.).

SEC. 130. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA. Section 101(a)(1)(B) of the Water Resources Development Act of 1996 (Public Law 104–303: 110 Stat. 3662) is modified to read as follows:

''(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any authorized project feature, including credit for work commenced before the date of execution of a cooperation agreement for the affected feature. The amount of the credit shall be determined by the Secretary.''.

SEC. 131. WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS. The project for navigation, White River Navigation to Batesville, Arkansas, as authorized in Public Law 99–662 is amended to extend the project from mile 255, near Newport, Arkansas, to approximately mile 296, near Batesville, Arkansas; to include a harbor at Batesville, Arkansas; and environmental restoration within the White River Basin including Federally owned lands.

SEC. 132. LANDFILLS USED FOR CERTAIN WASTE. (a) IN GENERAL.—The funding prohibition set forth in section 103 of the Energy and Water Development Appropriations Act, 2006 shall not apply to the construction or expansion of any landfill in the Muskingum River watershed if—

(1) the landfill is used solely for the disposal of—

(A) wastes generated from the combustion or gasification of coal,

(B) wastes consisting of byproducts from pollution control technology installed to comply with the Clean Air Act, or

(C) both of such types of wastes.

(2) the landfill is owned by the waste generator or any affiliated person, and

(3) the facility at which the wastes are generated is located in the same watershed as the landfill.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''affiliated person'' means any person who, directly or indirectly, owns or controls the waste generator, is owned or controlled by the waste generator, or is under common ownership or control with the waste generator.

(2) The term ''Muskingum River watershed'' shall mean the area within the watershed of the Muskingum River, as delineated by the Secretary of the Army, acting through the Chief of Engineers.

SEC. 133. CONVEYANCE TO STORY COUNTY, IOWA. Not later than 180 days after the date of enactment of this Act, the Chief of the Army Corps of Engineers shall convey to Story County, Iowa, without consideration, all rights, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 197 acres originally proposed for the Skunk River Reservoir, located between Ames, Iowa, and Story City, Iowa.

SEC. 134. None of the funds provided herein may be used to implement any new water control manuals for the Apalachicola-Chattahootchee-Flint and Alabama-Coosa-Tallapoosa river systems: Provided, That in updating the water control manuals the Secretary of the Army, acting through the Chief of Engineers is directed to provide the following information by September 30, 2008:

(1) an estimate of the amount of withdrawals from each respective river basin for entities

withdrawing one million gallons per day or more over the preceding 60 months;

(2) a flow data set for the respective river basin updated through the most recently completed calendar year;

(3) an estimated projection of total water usage in the respective basins over the next 25 years.

SEC. 135. Title II, chapter 3 of Public Law 109–234 under the heading ''Construction'' is modified by striking ''construction: Provided,'' and inserting in lieu thereof '': Provided, That the Secretary of the Army, in implementing projects and measures in the New Orleans metropolitan area required to achieve certification for participation in the National Flood Insurance Program as directed in Public Law 109–234 shall include all authorized features of the Southeast Louisiana Flood Control project and related internal pumping requirements as integral elements of the comprehensive protection system for the area and shall complete all authorized work for the Southeast Louisiana project concurrently and integrally with other area projects: Provided further,''.

SEC. 136. Utilizing funds appropriated under Alaska Coastal Erosion or other available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to prepare a preliminary action plan for any community that requests assistance pursuant to section 117, as contained in title I, division C of Public Law 108–447: Provided, That the preliminary action plan pursuant to this authority shall be presented to the Assistant Secretary of the Army (Civil Works) and the Alaska Congressional Delegation not later than 90 days after the initial request from the community: Provided further, That the preliminary action plan will recommend the most appropriate course of action (relocation or erosion stabilization), including a preliminary cost estimate and, at a minimum, the first year funding requirements: Provided further, That if the Alaska District is unable to comply with this reporting requirement, the District shall provide written notification to the Assistant Secretary of the Army (Civil Works) and the Alaska Congressional Delegation within 30 days of the community assistance request explaining why they are unable to comply.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $41,380,000, to remain available until expended, of which $976,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,620,000, to remain available until expended.

For fiscal year 2008, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $949,882,000, to remain available until expended, of which $60,258,000 shall be available for transfer to the Upper Colorado River Basin Fund and $26,787,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That funds provided for the Friant-Kern and Madera Canals improvements may be expended on a non-reimbursable basis: Provided further, That $2,952,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106–554.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $59,122,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $40,098,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $58,811,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses: Provided further, That, of the funds provided under this heading, $10,000,000 shall be transferred to ''Water and Related Resources'' upon the expiration of the 60-day period following the date of enactment of this Act if, during such period, the Secretary of the Interior has not submitted to the Committees on Appropriations of the House of Representatives and the Senate the Bureau of Reclamation's five-year budget plan.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 204. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements

shall be the responsibility of the non-Federal entity: Provided further, That this section shall not supercede any existing project-specific funding authority: Provided further, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or nonprofit research institutions to fund water use efficiency research.

SEC. 205. (a) Section 209 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1850) is repealed.

(b) The Secretary of the Interior (referred to in this section as the ''Secretary'') shall establish an Executive Committee of the Middle Rio Grande Endangered Species Collaborative Program (referred to in this section as the ''Executive Committee'') consistent with the bylaws of the Middle Rio Grande Endangered Species Collaborative Program adopted on October 2, 2006.

(c) In compliance with applicable Federal and State laws, the Secretary (acting through the Commissioner of Reclamation), in collaboration with the Executive Committee, may enter into any grants, contracts, cooperative agreements, interagency agreements, or other agreements that the Secretary determines to be necessary to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by section 121(b) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2256) or in furtherance of the objectives set forth in the collaborative program long-term plan.

(d)(1) The acquisition of water under subsection (c) and any administrative costs associated with carrying out subsection (c) shall be at full Federal expense.

(2) Not more than 15 percent of amounts appropriated to carry out subsection (c) shall be made available for the payment of administrative expenses associated with carrying out that subsection.

(e)(1) The non-Federal share of activities carried out under subsection (c) (other than an activity or a cost described in subsection (d)(1)) shall be 25 percent. The non-Federal cost share shall be determined on a programmatic, rather than a project-by-project basis.

(2) The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, the value of which shall be determined by the Secretary in consultation with the executive committee.

(f) Nothing in this section modifies or expands the discretion of the Secretary with respect to operating reservoir facilities under the jurisdiction of the Secretary in the Rio Grande Valley, New Mexico.

SEC. 206. In furtherance of section 529 of Public Law 106–541, the Secretary of the Interior shall continue to participate in implementation of the Project at Las Vegas Wash and Lake Mead in accordance with the Plan, and may provide grants to the Southern Nevada Water Authority to carry out the implementation of the Project at Las Vegas Wash and Lake Mead in accordance with the Plan: Provided, That issuance of any such grants shall not modify the cost sharing requirements provided in section 529(b) of Public Law 106–541.

SEC. 207. In carrying out section 2507 of Public Law 107–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall use $2,000,000 to provide grants, to be divided equally, to the State of Nevada and the State of California to implement the Truckee River Settlement Act, Public Law 101–618.

SEC. 208. (a) Notwithstanding any other provision of law, of amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior—

(1) acting through the Commissioner of Reclamation, shall use—

(A) subject to subsection (b), $3,000,000 for activities necessary to convey to the State of Nevada the land known as the ''Carson Lake and Pasture'', as authorized by section 206(e) of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618: 104 Stat. 3311);

(B) $10,000,000 for the removal of the Numana Dam and other obsolete irrigation structures located on the Pyramid Lake Paiute Reservation for the benefit of the Pyramid Lake Paiute Tribe because of their status as Indians;

(C) in consultation with the Corps of Engineers, as applicable, $5,000,000 to study and prepare plans for the development and construction of a pipeline to convey water from Dixie Valley to Churchill County, Nevada;

(D) $10,000,000 for—

(i) design and construction of the Derby Dam fish screen to allow passage of fish, including the cui-ui and Lahontan cutthroat trout; and

(ii) any improvements to Derby Dam necessary to make the fish screen operable;

(E) $6,000,000 for the acquisition of not more than 4 small hydroelectric power plants from the Sierra Pacific Power Company to improve water allocation and fish passage in the Truckee River; and

(F) $6,000,000 for Lower Truckee River restoration projects identified by the cities of Reno and Sparks, Nevada, and Washoe County, Nevada;

(2) shall allocate $9,000,000 to a nonprofit conservation organization, acting in consultation with the Truckee Meadows Water Authority, for—

(A) the acquisition of land surrounding Independence Lake; and

(B) protection of the native fishery and water quality of Independence Lake;

(3) shall allocate $1,000,000 to the Summit Lake Paiute Tribe to plan and complete restoration efforts at the Summit Lake in Northern Washoe County, Nevada, for the benefit of the Tribe because of their status as Indians;

(4) shall allocate $3,000,000 to the Newlands Project Water Rights Fund for a Federal-State-Pyramid Lake Paiute Tribe program, to be administered by an entity identified by the 3 applicable parties, for the retirement of water rights pursuant to the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618: 104 Stat. 3311);

(5) shall allocate $2,500,000 to the United States Fish and Wildlife Service to analyze, in cooperation and consultation with external experts, the impacts of low water flows on reproduction at the Walker Lake fishery, including an analysis of methods to prevent permanent effects on the fishery from low water flows;

(6) shall allocate $4,000,000 to the State of Nevada to prepare watershed inventories, with a particular focus on the Walker and Carson River Basins;

(7) shall allocate $5,000,000 for joint planning and development activities for water, wastewater, and sewer facilities by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe;

(8) shall allocate $500,000 for the Walker River Paiute Tribe for legal and professional services in support of settling tribal water claims in the Walker River Basin and to Walker Lake;

(9) shall allocate $1,000,000 to the Walker River Irrigation District—

(A) to plan and implement a weed control program to improve conveyance efficiency of water controlled by the Irrigation District; and

(B) to make improvements to water gauges controlled by the Irrigation District to enhance the water monitoring activities of the Irrigation District; and

(10) shall allocate $250,000 to Churchill County, Nevada, to provide testing of groundwater wells.

(b)(1) The Secretary shall achieve compliance with all applicable Federal laws (including regulations) relating to the conveyance of the Carson Lake and Pasture to the State of Nevada as described in subsection (a)(1)(A) by not later than June 30, 2010.

(2) Any amounts made available to carry out the conveyance described in subsection (a)(1)(A) but not expended for that purpose shall be made available to the State of Nevada to supplement funds provided under section 217(a)(1) of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1852), to purchase water rights from willing sellers and to make necessary improvements to benefit the Carson Lake and Pasture.

SEC. 209. Section 10(a) of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2571; 116 Stat. 3033) is amended in the second sentence by striking ''2008'' and inserting ''2013''.

SEC. 210. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS. The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16____. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''SEC. 16____. CUCAMONGA VALLEY WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(c) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the last item the following:

''16____. Inland Empire Regional Water Recycling Program.

''16____. Cucamonga Valley Water Recycling Project.''.

SEC. 211. Prior to the unilateral termination or removal of cabin or trailer sites on Bureau of Reclamation lands in North Dakota for the purpose of changing land use, the Secretary of the Interior is directed to submit a report describing the action to the Committee on Energy and Natural Resources, United States Senate and the Committee on Natural Resources, United States House of Representatives and the House and Senate Committees on Appropriations: Provided, That the Secretary shall not move forward with the proposed action until 60 days after the report is submitted to the Committee Chairmen.

SEC. 212. Section 3507(b) of Public Law 102–575 (106 Stat. 4600) is amended by striking ''$4,660,000'' and inserting ''$12,660,000''.

SEC. 213. AUTHORITY TO EXTEND WATER CONTRACT. The Secretary of the Interior may extend the water contract 14–06–600–3593, as amended, between the United States and the East Bench Irrigation District for water services, until the earlier of—

(1) the expiration of the 2-year period beginning on the date on which the contract would expire but for this section; or

(2) the date on which a new long-term water contract is executed by the parties to the contract listed in subsection (b).

SEC. 214. SOUTHERN CALIFORNIA DESERT REGION INTEGRATED WATER AND ECONOMIC SUSTAINABILITY PLAN. (a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following new section:

''SEC. 16___. SOUTHERN CALIFORNIA DESERT REGION INTEGRATED WATER AND ECONOMIC SUSTAINABILITY PLAN.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Mojave Water Agency is authorized to participate in the design, planning, and construction of projects to implement the 'Mojave Water Agency's Integrated Regional Water Management Plan'.

''(b) COST SHARE.—The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

''16____. Southern California desert region integrated water and economic sustainability plan.''.

(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project authorized by this section.

(d) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of subparagraph (b) the Secretary shall credit the Mojave Water Agency with the value of all expenditures made prior to the date of the enactment of this Act that are used toward completion of projects that are compatible with this section.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,739,541,000, to remain available until expended: Provided, That the Secretary is directed to make fiscal year 2008 weatherization funding available from October 1, 2007, through March 31, 2009, for States that submit plans requesting allocations for all or part of this period: Provided further, That the funds provided for Federal technical assistance and training are intended to be used exclusively to support the effective delivery of weatherization services as set forth in statute and applicable regulations: Provided further, That any change in program implementation should be proposed to Congress in the Department's budget submission and not implemented before congressional approval is obtained.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $140,000,000, to remain available until expended.

NUCLEAR ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 20 passenger motor vehicles for replacement only, including one ambulance, $970,525,000, to remain available until expended: Provided, That $233,849,000 is authorized to be appropriated for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: Provided further, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143.

LEGACY MANAGEMENT

For Department of Energy expenses for Legacy Management activities, $34,183,000, to remain available until expended.

CLEAN COAL TECHNOLOGY

(INCLUDING DEFERRAL AND TRANSFER OF FUNDS)

Of the funds made available under this heading for obligation in prior years, $149,000,000 shall not be available until October 1, 2008: Provided, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected: Provided further, That $166,000,000 of uncommitted balances are transferred to Fossil Energy Research and Development to be used until expended.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $750,000,000, to remain available until expended, of which $166,000,000 shall be derived by transfer from ''Clean Coal Technology'': Provided further, That funds appropriated for prior solicitations under the Clean Coal Technology Program, Power Plant Improvement Initiative, and Clean Coal Power Initiative, but not required by the Department to meet its obligations on projects selected under such solicitations, may be utilized for the Clean Coal Power Initiative Round III solicitation under this Act in accordance with the requirements of this Act rather than the Acts under which the funds were appropriated: Provided further, That no project may be selected for which full funding is not available to provide for the total project: Provided further, That financial assistance for costs in excess of those estimated as of the date of award of original Clean Coal Power Initiative financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and shall be limited to 25 percent of the original financial assistance: Provided further, That at least 50 percent cost-sharing shall be required in each budget period of a project: Provided further, That in accordance with section 988(e) of Public Law 109–58, repayment of the DOE contribution to a project shall not be a condition of making an award under this solicitation: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That in this Act and future Acts, up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this Fossil Energy account: Provided further, That in this Act and future Acts, the salaries for Federal employees performing research and development activities at the National Energy Technology Laboratory can continue to be funded from any appropriate DOE program accounts: Provided further, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $20,472,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, and the reimbursement to the General Services Administration for security guard services, $188,472,000, to remain available until expended, of which $25,000,000 shall be provided to carry out new site land acquisition activities consistent with the budget request.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $12,448,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $96,337,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or

condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed three passenger motor vehicles for replacement only, $183,937,000, to remain available until expended: Provided, That $13,000,000 is appropriated for environmental remediation activities associated with the Energy Technology and Engineering Center (ETEC) at the Santa Susana Field Laboratory (SSFL), subject to the following: (1) the Department shall use a portion of this funding to enter into an interagency agreement with the Environmental Protection Agency to conduct a joint comprehensive radioactive site characterization of Area IV of the SSFL; (2) the Department shall ensure that all aspects of the cleanup of radioactive contamination at Area IV of the SSFL comply fully with the Comprehensive Environmental Response, Compensation and Liability Act, if applicable; and (3) the Department shall retain Federal control of ETEC and it shall not be released for other use until such time as the Department has complied with actions directed in subsections (1) and (2).

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $627,876,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 30 passenger motor vehicles for replacement only, $4,055,483,000, to remain available until expended: Provided, That of the funds made available in section 130 of division H (Miscellaneous Appropriations and Offsets) of the Consolidated Appropriations Act, 2004, Public Law 108–199, as amended by section 315 of Public Law 109–103, for the Coralville, Iowa, project, $44,569,000 is rescinded.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''Act''), including the acquisition of real property or facility construction or expansion, $189,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, not less than $1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: Provided further, That $9,000,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: Provided further, That of the $9,000,000 provided, 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government. This funding shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities. The Committee requires the entities to certify that within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for the activities authorized by the Act and this Act: Provided, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government in this or any previous year: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and to units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: Provided further, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE LOAN PROGRAM

For the cost of the guaranteed loans as authorized by section 1702(b)(2) of the Energy Policy Act of 2005, such sums as are hereafter derived from amounts received from borrowers pursuant to section 1702(b)(2) of that Act, to remain available until September 30, 2009: Provided, That the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: Provided further, That none of the funds made available in this or prior Acts shall be available for the execution of a new solicitation with respect to such guaranteed loans until 45 days after the Department of Energy has submitted to the Committees on Appropriations a loan guarantee implementation plan that defines the proposed award levels and eligible technologies: Provided further, That the Department shall not deviate from such plan without 45 days prior notice to the Committees: Provided further, That for necessary administrative expenses to carry out this Loan Guarantee program, $5,500,000 is appropriated, to remain available until expended: Provided further, That fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $311,596,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $161,818,000 in fiscal year 2008 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2008, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $149,778,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $46,480,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; $6,355,633,000, to remain available until expended: Provided, That $38,957,000 is authorized to be appropriated for Project 06–D–140–05 (PED) Uranium Processing Facility, Y–12 Plant, Oak Ridge, Tennessee: Provided further, That $69,330,000 is authorized to be appropriated for Project 99–D–141 Pit Disassembly and Conversion Facility (PDCF), Savannah River Site, South Carolina: Provided further, That $74,809,000 is authorized to be appropriated for 04–D–125 Chemistry and Metallurgy facility replacement project, Los Alamos, New Mexico: Provided further, That $10,000,000 is authorized to be appropriated for Ion Beam Laboratory refurbishment, Sandia National Laboratory, Albuquerque, New Mexico: Provided further, That $14,846,000 is authorized to be appropriated for Material Security and Consolidation project, Idaho National Laboratory, Idaho.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSIONS OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of

plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,673,275,000, to remain available until expended: Provided, That $50,000,000 of such funds shall be available until expended for the contribution of the United States to create a low-enriched uranium stockpile for an International Nuclear Fuel Bank supply of nuclear fuel for peaceful means under the International Atomic Energy Agency: Provided further, That $25,000,000 is authorized to be appropriated for Project 06–D–180 National Security Laboratory at the Pacific Northwest National Laboratory, Richland, Washington: Provided further, That of the funds made available under this heading in appropriation Acts for fiscal year 2007 and prior fiscal years for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina, $115,000,000 are rescinded: Provided further, That of the funds made available under this heading in appropriation Acts for fiscal year 2007 and prior fiscal years for Russian Surplus Fissile Materials Disposition, $57,000,000 are rescinded: Provided further, That of the funds made available in the first paragraph under the heading ''Atomic Energy Defense Activities—Other Defense Activities'' in chapter 2 of title I of division B of Public Law 105–277 and subsequently transferred by the Department of Energy to the Defense Nuclear Nonproliferation program, $150,000,000 are rescinded.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $781,800,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $405,987,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed three passenger motor vehicles for replacement only, $5,398,573,000, to remain available until expended, of which $463,000,000 shall be transferred to and deposited in the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

OTHER DEFENSE ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed twelve passenger motor vehicles for replacement only, $761,290,000, to remain available until expended: Provided, That of the funds provided under this heading in Public Law 109–103, $4,900,000 are transferred to ''Weapons Activities'' for special nuclear material consolidation activities associated with safeguards and security.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $201,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Lower Granite Dam fish trap, the Kootenai River White Sturgeon Hatchery, the Nez Perce Tribal Hatchery, Redfish Lake Sockeye Captive Brood expansion, hatchery production facilities to supplement Chinook salmon below Chief Joseph Dam in Washington, Hood River Production Facility, Klickitat production expansion, Mid-Columbia Coho restoration, and Yakama Coho restoration, and in addition, for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2008, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $6,463,000, to remain available until expended: Provided, That, notwithstanding the provisions of 31 U.S.C. 3302, beginning in fiscal year 2008 and thereafter, such funds as are received by the Southeastern Power Administration from any State, municipality, corporation, association, firm, district, or individual as advance payment for work that is associated with Southeastern's Operations and Maintenance, consistent with that authorized in section 5 of the Flood Control Act of 1944, shall be credited to this account and be available until expended: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $48,413,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $30,442,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $35,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including the operation, maintenance, and purchase through transfer, exchange, or sale of one helicopter for replacement only, and official reception and representation expenses in an amount not to exceed $1,500; $231,030,000, to remain available until expended, of which $221,094,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $7,167,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding the provision of 31 U.S.C. 3302, up to $308,702,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,500,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $260,425,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $260,425,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2008 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION. (a) None of the funds in this or any other appropriations Act for fiscal year 2008 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract, or a contract for environmental remediation or waste management in excess of $100,000,000 in annual funding at a current or former management and operating contract site or facility, or award a significant extension or expansion to an existing management and operating contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) The term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)

and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 303. WORKFORCE RESTRUCTURING. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 304. SECTION 3161 ASSISTANCE. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 305. UNEXPENDED BALANCES. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. BONNEVILLE POWER AUTHORITY SERVICE TERRITORY. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. USER FACILITIES. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. INTELLIGENCE ACTIVITIES. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 309. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT. Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development: Provided further, That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

SEC. 310. YIELD RATE. For fiscal year 2008, except as otherwise provided by law in effect as of the date of this Act or unless a rate is specifically set by an Act of Congress thereafter, the Administrators of the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration, shall use the ''yield'' rate in computing interest during construction and interest on the unpaid balance of the costs of Federal power facilities. The yield rate shall be defined as the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity.

SEC. 311. USE PERMIT. The Use Permit granted to the contractor for activities conducted at the Pacific Northwest National Laboratory by Agreement DE–GM05–00RL01831 between the Department of Energy and the contractor shall continue in effect during the term of the existing Operating Contract and the extensions or renewals thereof and shall be incorporated into any future management and operating contract for the Pacific Northwest National Laboratory and such Use Permit may not be waived, modified or terminated unless agreed to by both contractor and the Department of Energy.

SEC. 312. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded—

(1) from discretionary accounts in this title that contain congressionally directed projects, an amount equal to 1.6 percent of the budget authority provided for fiscal year 2008 for such projects; and

(2) from all discretionary accounts in this title, an amount equal to 0.91 percent of the other budget authority provided for fiscal year 2008.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''congressionally directed project'' means a congressional earmark or congressionally directed spending item specified in the list of such earmarks and items for this division that is included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) The term ''other budget authority'' means an amount equal to all discretionary budget authority, less the amount provided for congressionally directed projects.

(c) PROPORTIONATE APPLICATION TO OTHER PROGRAMS, PROJECTS, AND ACTIVITIES.—Any rescission made by subsection (a)(2) shall be applied proportionately—

(1) to each discretionary account; and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account).

(d) REPORT.—Within 30 days after the date of the enactment of this section, the Secretary of Energy shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $73,032,000, to remain available until expended: Provided, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $21,909,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $11,685,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $21,800,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $25,000), $917,334,000, to remain available until expended: Provided, That of the amount appropriated herein, $29,025,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $771,220,000 in fiscal year 2008 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at not more than $146,114,000: Provided further, That such funds as are made available for necessary expenses of the Commission by this Act or any other Act may be used for lease payments for additional office space provided by the General Services Administration for personnel of the U.S. Nuclear Regulatory Commission as close as reasonably possible to the Commission's headquarters location in Rockville, Maryland, and of such square footage and for such lease term, as are determined by the Commission to be necessary to maintain the agency's regulatory effectiveness, efficiency, and emergency response

capability: Provided further, That notwithstanding any other provision of law or any prevailing practice, the rental square foot rate paid for the lease of space for such purpose shall, to the extent necessary to obtain the space, be based on the prevailing lease rates in the immediate vicinity of the Commission's headquarters.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,744,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,870,000 in fiscal year 2008 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at not more than $874,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,621,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $2,261,000.

GENERAL PROVISION, INDEPENDENT AGENCIES

SEC. 401. Section 2(f)(2) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831a(f)(2)) is amended by striking the phrase ''stipend under paragraph (1)(A)(i)'' and inserting in lieu thereof ''stipends under paragraph (1)(A)''.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This division may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2008''.

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $248,360,000, of which not to exceed $10,840,000 is for executive direction program activities; not to exceed $9,909,000 is for general counsel program activities; not to exceed $44,242,000 is for economic policies and programs activities; not to exceed $29,464,000 is for financial policies and programs activities; not to exceed $56,775,000 is for terrorism and financial intelligence activities; not to exceed $18,505,000 is for Treasury-wide management policies and programs activities; and not to exceed $78,625,000 is for administration programs activities: Provided, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than 2 percent by all such transfers: Provided further, That any change in funding greater than 2 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2009, is for information technology modernization requirements; not to exceed $150,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $5,114,000, to remain available until September 30, 2009, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act: Provided further, That of the amount appropriated under this heading, $3,000,000, to remain available until September 30, 2009, is for secure space requirements: Provided further, That of the amount appropriated under this heading, $2,300,000, to remain available until September 30, 2009, is for salary and benefits for hiring of personnel whose work will require completion of a security clearance investigation in order to perform highly classified work to further the activities of the Office of Terrorism and Financial Intelligence: Provided further, That of the amount appropriated under this heading, $2,100,000, to remain available until September 30, 2010, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $18,710,000, to remain available until September 30, 2010: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated under this heading shall be used to support or supplement ''Internal Revenue Service, Operations Support'' or ''Internal Revenue Service, Business Systems Modernization''.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $18,450,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $140,533,000, of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

(INCLUDING RESCISSION)

Sections 101(a)(1), 102, 104, and 107(2) of the Air Transportation Safety and System Stabilization Act (title I, Public Law 107–42) are hereby repealed. All unobligated balances under this heading are rescinded.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $85,844,000, of which not to exceed $16,340,000 shall remain available until September 30, 2010; and of which $8,955,000 shall remain available until September 30, 2009: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $234,423,000, of which not to exceed $9,220,000 shall remain available until September 30, 2010, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $93,515,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2008 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $33,200,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $182,871,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2010, for systems modernization: Provided, That the sum appropriated herein from the general fund for fiscal year 2008 shall be reduced by not more than $10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at $172,871,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $94,000,000, to remain available until September 30, 2009, of which $8,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $7,500,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $16,000,000.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,150,000,000, of which not less than $3,000,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $9,000,000 shall be available for low-income taxpayer clinic grants, of which not less than $8,000,000, to remain available until September 30, 2009, shall be available to establish and administer a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, and of which not less than $177,000,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,780,000,000, of which not less than $57,252,000 shall be for the Interagency Crime and Drug Enforcement program: Provided, That up to $10,000,000 may be transferred as necessary from this account to the Internal Revenue Service Operations Support appropriations solely for the purposes of the Interagency Crime and Drug Enforcement program: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to operate and support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,680,059,000, of which $75,000,000 shall remain available until September 30, 2009, for information technology support; of which not to exceed $1,000,000 shall remain available until September 30, 2010, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $267,090,000, to remain available until September 30, 2010, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,235,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. Section 9503(a) of title 5, United States Code, is amended by striking ''for a period of 10 years after the date of enactment of this section'' and inserting ''before July 23, 2013''.

SEC. 106. Sections 9504(a) and (b), and 9505(a) of title 5, United States Code, are amended by striking ''For a period of 10 years after the date of enactment of this section'' each place it occurs and inserting ''Before July 23, 2013''.

SEC. 107. Section 9502(a) of title 5, United States Code, is amended by striking ''Office of Management and Budget'' and inserting ''Office of Personnel Management''.

SEC. 108. Of the funds made available by this Act for the Internal Revenue Service, not less than $7,350,000 shall be available for increasing above fiscal year 2007 levels the number of full-time equivalent positions and related support activities performing Automated Collection System functions.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 109. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 110. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 111. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 112. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 113. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 114. The Secretary of the Treasury may transfer funds from Financial Management

Services, Salaries and Expenses to Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 115. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''8 years'' and inserting ''10 years''.

SEC. 116. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 117. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 118. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for Fiscal Year 2008.

SEC. 119. Section 3333(a) of title 31, United States Code, is amended by deleting paragraph (3) and inserting in lieu thereof the following:

''(3) The amount of the relief and the amount of any relief granted to an official or agent of the Department of the Treasury under 31 U.S.C. 3527, shall be charged to the Check Forgery Insurance Fund (31 U.S.C. 3343). A recovery or repayment of a loss for which replacement is made out of the fund shall be credited to the fund and is available for the purposes for which the fund was established.''.

This title may be cited as the ''Department of the Treasury Appropriations Act, 2008''.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $51,656,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,814,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,600,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,118,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,482,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,640,000.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $2,000,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $91,745,000, of which $11,923,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $78,000,000, of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: Provided further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: Provided further, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director,

Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy (ONDCP); for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,402,000; of which $250,000 shall remain available until expended for policy research and evaluation: Provided, That of the funds provided under this heading, $1,250,000 shall be allocated for the National Academy of Public Administration to conduct an independent study and analysis of ONDCP's organization and management: Provided further, That within two months after the date of enactment of this Act, the ONDCP shall contract with the National Academy of Public Administration for purposes as described in the previous proviso: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $1,000,000, which shall remain available until expended for counternarcotics research and development projects: Provided, That such amount shall be available for transfer to other Federal departments or agencies: Provided further, That the Office of National Drug Control Policy shall submit for approval by the Committees on Appropriations of the House of Representatives and the Senate, a spending plan for the use of these funds no later than 90 days after enactment of this Act.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $230,000,000, to remain available until September 30, 2009, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act: Provided, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities, and up to $400,000 which shall be for the final year of development and implementation of a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2007, shall be funded at no less than the fiscal year 2007 initial allocation levels unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2007 budget request: Provided further, That the Office of National Drug Control Policy (ONDCP) shall submit recommendations for approval to the Committees on Appropriations for both the initial High-Intensity Drug Trafficking Area (HIDTA) allocation funding within 90 days after the enactment of this Act and the discretionary HIDTA funding, according to the framework proposed jointly by the HIDTA Directors and ONDCP, within 120 days after the enactment of this Act: Provided further, That within the discretionary funding amount, plans for use of such funds shall be subject to committee approval: Provided further, That at least $2,000,000 shall be available for new counties, not including previously funded counties, with priority given to meritorious applicants who have submitted previously and have not been funded.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $164,300,000, to remain available until expended, of which the amounts are available as follows: $60,000,000 to support a national media campaign: Provided, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003 ratio of service funding to total funds and shall continue the corporate outreach program as it operated prior to its cancellation; $90,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $500,000 for demonstration programs as authorized by section 1119 of Public Law 109–469; $1,000,000 for the National Drug Court Institute; $9,600,000 for the United States Anti-Doping Agency for anti-doping activities; $1,700,000 for the United States membership dues to the World Anti-Doping Agency; $1,250,000 for the National Alliance for Model State Drug Laws; and $250,000 for evaluations and research related to National Drug Control Program performance measures: Provided further, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor, and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,432,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $320,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''White House Office'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisors'', ''National Security Council'', ''Office of Administration'', ''Office of Policy Development'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The President shall submit to the Committees on Appropriations not later than 30 days after the date of the enactment of this Act, and prior to the initial obligation of funds appropriated under the heading ''Office of National Drug Control Policy'', a financial plan on the proposed uses of all funds under the heading by program, project, and activity, for which the obligation of funds is anticipated: Provided, That up to 20 percent of funds appropriated under this heading may be obligated before the submission of the report subject to prior approval of the Committees on Appropriations: Provided further, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2008''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice,

not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $66,526,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $12,201,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $27,072,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $16,632,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,604,762,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $4,099,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

In addition, $14,500,000 shall be available to address critically understaffed workload associated with increased immigration enforcement: Provided, That this amount is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $835,601,000, to remain available until expended.

In addition, $10,500,000 shall be available for the reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 as a result of increased immigration enforcement: Provided, That this amount is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $63,081,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $410,000,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $76,036,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $24,187,000; of which $1,800,000 shall remain available through September 30, 2009, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $59,400,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,300,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $15,477,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 605 and 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

SEC. 305. Pursuant to section 140 of Public Law 97–92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2008, to receive a salary adjustment in accordance with 28 U.S.C. 461.

SEC. 306. Section 3313(a) of title 40, United States Code, shall be applied by substituting ''executive'' for ''federal'' each place it appears.

SEC. 307. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 308. Section 128(b) of title 28, United States Code, is amended by striking ''Bellingham, Seattle, and Tacoma'' and inserting ''Bellingham, Seattle, Tacoma, and Vancouver''.

SEC. 309. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking ''16 years'' and inserting ''17 years'';

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking ''15 years'' and inserting ''17 years''.

This title may be cited as the ''Judiciary Appropriations Act, 2008''.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $3,352,000, to remain available until expended; of which $3,000,000 is to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions; and $352,000 is for the District of Columbia National Guard retention and college access program: Provided, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $223,920,000 to be allocated as follows: for the District of Columbia Court of Appeals, $10,800,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $98,359,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $52,170,000, of which not to exceed $1,500 is for official reception and representation expenses; and $62,591,000, to remain available until September 30, 2009, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: Provided, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of Funds'' found at 48 CFR 52.232–18: Provided further, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $47,975,000, to remain available until expended: Provided, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $62,591,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $62,591,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $190,343,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which not to exceed $400,000 for the Community Supervision Program and $160,000 for the Pretrial Services Program, both to remain available until September 30, 2009, are for information technology infrastructure enhancement acquisitions; of which $140,499,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $49,894,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That not less than $1,000,000 shall be available for re-entrant housing in the District of Columbia: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $32,710,000: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $8,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a match of $6,000,000 and the District of Columbia provides a match of $2,000,000 in local funds for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain

available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $5,453,000: Provided, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2008, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2008.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $40,800,000, to be allocated as follows: for the District of Columbia Public Schools, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, $14,800,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,800,000 may be used to administer and fund assessments.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, $5,000,000, to remain available until September 30, 2009, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: Provided, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH LOCATIONS

For a Federal payment to the District of Columbia, $9,000,000, to remain available until expended, for the Federal contribution for costs associated with the renovation and rehabilitation of District libraries.

FEDERAL PAYMENT TO REIMBURSE THE FEDERAL BUREAU OF INVESTIGATION

For a Federal payment to the District of Columbia, $4,000,000, to remain available until September 30, 2010, for reimbursement to the Federal Bureau of Investigation for additional laboratory services.

FEDERAL PAYMENT TO THE EXECUTIVE OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Executive Office of the Mayor of the District of Columbia, $5,000,000: Provided, That these funds shall be available to support the District's efforts to enhance the public education system, to improve environmental quality, to expand pediatric healthcare services and for historic preservation: Provided further, That no funds shall be expended until the Mayor of the District of Columbia submits a detailed expenditure plan, including performance measures, to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the District submit a preliminary progress report on activities no later than June 1, 2008, and a final report including a detailed description of outcomes achieved no later than November 1, 2009.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of this Act: The total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2008 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $9,773,775,000 (of which $6,111,623,000 (including $348,929,000 from dedicated taxes) shall be from local funds, $2,015,854,000 shall be from Federal grant funds, $1,637,736,000 shall be from other funds, and $8,562,000 shall be from private funds), in addition, $114,905,000 from funds previously appropriated in this Act as Federal payments: Provided further, That of the local funds, $339,989,000 shall be derived from the District's general fund balance: Provided further, That of these funds the District's intradistrict authority shall be $648,290,000: in addition for capital construction projects there is appropriated an increase of $1,607,703,000, of which $1,042,712,000 shall be from local funds, $38,523,000 from the District of Columbia Highway Trust Fund, $73,260,000 from the Local Street Maintenance fund, $75,000,000 from revenue bonds, $150,000,000 from financing for construction of a consolidated laboratory facility, $42,200,000 for construction of a baseball stadium, $186,008,000 from Federal grant funds, and a rescission of $212,696,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,395,007,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be subject to the provisions of and allocated and expended as proposed under ''Title III—District of Columbia Funds Summary of Expenses'' of the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 7, 2007 as amended on June 29, 2007 and such title is hereby incorporated by reference as though set forth fully herein: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act approved December 24, 1973 (87 Stat. 777; D.C. Official Code §1–201.01 et seq.), as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2008, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2008''.

TITLE V

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $1,000 for official reception and representation expenses, $80,000,000.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $16,530,000, of which $3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: Provided, That $200,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses to carry out programs under the Help America Vote Act of 2002 (Public Law 107–252), $115,000,000 which shall be available for requirements payments under part 1 of subtitle D of title II of such Act.

ELECTION DATA COLLECTION GRANTS

For necessary expenses to carry out an election data collection grants program under section 501 of this Act, $10,000,000, which shall remain available until expended.

ADMINISTRATIVE PROVISION—ELECTION ASSISTANCE COMMISSION

SEC. 501. (a) ELECTION DATA COLLECTION GRANTS.—Not later than March 30, 2008, the Election Assistance Commission (in this section referred to as the ''Commission'') shall establish an election data collection grant program (in this section referred to as the ''program'') to provide a grant of $2,000,000 to 5 eligible States to improve the collection of data relating to the regularly scheduled general election for Federal office held in November 2008. For purposes of this section, the term ''State'' has the meaning given such term in section 901 of the Help America Vote Act of 2002 (42 U.S.C. 15541).

(b) ELIGIBILITY.—A State is eligible to receive a grant under the program if it submits to the Commission, at such time and in such form as the Commission may require, an application containing the following information and assurances:

(1) A plan for the use of the funds provided by the grant which will expand and improve the collection of the election data described in subsection (a) at the precinct level and will provide for the collection of such data in a common electronic format (as determined by the Commission).

(2) An assurance that the State will comply with all requests made by the Commission for the compilation and submission of the data.

(3) An assurance that the State will provide the Commission with such information as the Commission may require to prepare and submit the report described in subsection (d).

(4) Such other information and assurances as the Commission may require.

(c) TIMING OF GRANTS; AVAILABILITY.—

(1) TIMING.—The Commission shall award grants under the program to eligible States not later than 60 days after the date on which the Commission establishes the program.

(2) AVAILABILITY OF FUNDS.—Amounts provided by a grant under the program shall remain available without fiscal year limitation until expended.

(d) REPORT TO CONGRESS.—

(1) REPORT.—Not later than June 30, 2009, the Commission, in consultation with the States receiving grants under the program and the Election Assistance Commission Board of Advisors, shall submit a report to Congress on the impact of the program on the collection of the election data described in subsection (a).

(2) RECOMMENDATIONS.—The Commission shall include in the report submitted under paragraph (1) such recommendations as the Commission considers appropriate to improve the collection of data relating to regularly scheduled general elections for Federal office in all States, including recommendations for changes in Federal law or regulations and the Commission's estimate of the amount of funding necessary to carry out such changes.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as

authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $313,000,000: Provided, That $312,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at $1,000,000: Provided further, That any offsetting collections received in excess of $312,000,000 in fiscal year 2008 shall not be available for obligation: Provided further, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2007, shall not be available for obligation: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2008: Provided further, That, in addition, not to exceed $21,480,000 may be transferred from the Universal Service Fund in fiscal year 2008 to remain available until expended, to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2007'', each place it appears and inserting ''December 31, 2008''.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $26,848,000, to be derived from the Deposit Insurance Fund and the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $59,224,000, of which no less than $8,100,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $23,641,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $243,864,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $139,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, not to exceed $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $81,864,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, $83,964,000. To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,830,414,000, of which: (1)(A) $306,448,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

California:

San Ysidro, Land Port of Entry, $37,742,000.

Illinois:

Rockford, United States Courthouse, $58,792,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $57,749,000.

Minnesota:

Warroad, Land Port of Entry, $43,628,000.

Missouri:

Jefferson City, United States Courthouse, $66,000,000.

Vermont:

Derby Line, Land Port of Entry, $33,139,000.

Nonprospectus Construction, $9,398,000; and (B) $225,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act) and shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

Arizona:

San Luis, Land Port of Entry I, $7,053,000.

California:

San Ysidro, Land Port of Entry, $161,437,000.

Maine:

Madawaska, Land Port of Entry, $17,160,000.

New York:

Alexandria Bay, Land Port of Entry, $11,676,000.

Texas:

El Paso, Tornillo-Guadalupe, Land Port of Entry, $4,290,000.

Donna/Rio Bravo International Bridge, Land Port of Entry, $23,384,000:

Provided, That, notwithstanding any other provision of law, the Administrator of General Services is authorized to proceed with necessary site acquisition, design, and construction for the new courthouse project in Rockford, Illinois, listed in Public Law 109–115 and for which funds have been appropriated under this or any other Acts, with the understanding that the total estimated cost of the project, exclusive of any permitted escalations, shall be $100,225,000: Provided further, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2009 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $722,161,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

District of Columbia:

Eisenhower Executive Office Building, Phase III, $121,204,000.

Joint Operations Center, $12,800,000.

Nebraska Avenue Complex, $27,673,000.

Nevada:

Reno, C. Clifton Young Federal Building and Courthouse, $12,793,000.

New York:

New York, Thurgood Marshall United States Courthouse, $170,544,000.

West Virginia:

Martinsburg Internal Revenue Service Enterprise Computing Center, $35,822,000.

Special Emphasis Programs:

Energy Program, $15,000,000.

Design Program, $7,372,000.

Basic Repairs and Alterations, $318,953,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for

prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2009 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $155,781,000 for installment acquisition payments, including payments on purchase contracts which shall remain available until expended; (4) $4,315,534,000 for rental of space which shall remain available until expended; and (5) $2,105,490,000 for building operations which shall remain available until expended, of which up to $500,000 may be used as Federal competitive contributions to entities which coordinate long-term siting of Federal building and employment in the National Capital Region with State and local governments, the commercial sector and other major stakeholders in the region: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2008, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $52,891,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $85,870,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $48,382,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $3,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $2,478,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $17,328,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $42,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2008 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 520. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 521. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 522. Funds in the Federal Buildings Fund made available for fiscal year 2008 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 523. Except as otherwise provided in this title, no funds made available by this Act shall be used to transmit a fiscal year 2009 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2009 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 524. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 525. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 526. No funds shall be used by the General Services Administration to reorganize its organizational structure without approval by the House and Senate Committees on Appropriations through an operating plan change.

SEC. 527. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of General Services under section 3307 of title 40, United States Code, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the House and Senate Committees on Appropriations prior to exercising any lease authority provided in the resolution.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant

to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $37,507,000 together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $3,750,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $2,000,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $315,000,000.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $58,028,000 of which $38,315,000 shall remain available until September 30, 2009: Provided, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $28,605,000, to remain available until expended: Provided, That the Archivist is authorized to construct an addition to the John F. Kennedy Presidential Library and Museum on land, adjacent to the existing Library and Museum property, to be acquired from the Commonwealth of Massachusetts or the University of Massachusetts or some other governmental authority thereof; and of the funds provided, $8,000,000 shall be used for acquiring the land for the Kennedy Library Addition, the first phase of construction, related services for building the addition to the Library, and other necessary expenses, including renovating the Library as needed in constructing the addition; $750,000 to complete design work on the renovation of the Franklin D. Roosevelt Presidential Library and Museum; $7,432,000 to construct an addition to the Richard Nixon Presidential Library and Museum; and $3,760,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library and Museum that is under the joint control and custody of the University of Texas: Provided further, That such funds shall remain available until expended for this purpose and may be transferred directly to the University and used, together with University funds, for the repair and restoration of the plaza: Provided further, That such funds shall be spent in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: Provided further, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal Government for this project.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $9,500,000, to remain available until expended: Provided, That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account of the National Archives and Records Administration for operating expenses of the National Historical Publications and Records Commission.

ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

The National Archives and Records Administration shall include in its fiscal year 2009 budget justifications a comprehensive capital needs assessment for funding provided under the ''Repairs and Restoration'' appropriations account: Provided, That funds proposed under the ''Repairs and Restoration'' appropriations account for fiscal year 2009 shall be allocated to projects on a priority basis established under a comprehensive capital needs assessment.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2008, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2008 shall not exceed $329,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $975,000 shall be available until September 30, 2009 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,750,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $101,765,000, of which $5,991,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,351,000 shall remain available until expended for the Human Resources Line of Business project; $340,000 shall remain available until expended for the E-Payroll project; and $170,000 shall remain available until expended for the E-Training program; and in addition $123,901,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $26,965,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2008, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,519,000, and in addition, not to exceed $17,081,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management,

as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $17,468,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $906,000,000, to remain available until expended; of which not to exceed $20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: Provided further, That not to exceed $842,738,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That $63,262,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2008 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2008 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $22,000,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $344,123,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: Provided further, That $97,120,000 shall be available to fund grants for performance in fiscal year 2008 or fiscal year 2009 as authorized.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $15,000,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $3,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $2,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: Provided further, That during fiscal year 2008 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $17,500,000,000: Provided further, That during fiscal year 2008 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: Provided further, That during fiscal year 2008, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $135,414,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2008.

SEC. 532. (a) Funds made available under section 613 of Public Law 109–108 (119 Stat. 2338) for Nevada's Commission on Economic Development shall be made available to the Nevada Center for Entrepreneurship and Technology (CET).

(b) Funds made available under section 613 of Public Law 109–108 for the Chattanooga Enterprise Center shall be made available to the University of Tennessee at Chattanooga.

SEC. 533. Public Law 110–28 (121 Stat. 155) is amended in the second paragraph of chapter 4 of title IV by inserting before ''$25,000,000'' the phrase ''up to''.

SEC. 534. For an additional amount under the heading ''Small Business Administration, Salaries and Expenses'', $69,451,000, to remain available until September 30, 2009, shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities: Provided, That amounts made available under this section shall be provided in accordance with the terms and conditions as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $117,864,000, of which $88,864,000 shall not be available for obligation until October 1, 2008: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2008.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $45,326,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 602. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 603. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 604. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 605. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 606. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 607. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 608. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 609. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 610. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 611. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall remain available through September 30, 2009, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 612. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 613. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 614. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 615. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 616. The provision of section 615 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 617. Notwithstanding any other provision of law, for fiscal years 2008 and 2009, neither the Board of Governors of the Federal Reserve System nor the Secretary of the Treasury may determine, by rule, regulation, order, or otherwise, for the purposes of section 4(K) of the Bank Holding Company Act of 1956, or section 5136A of the Revised Statutes of the United States, that real estate brokerage activity or real estate management activity (which for purposes of this paragraph shall be defined to mean ''real estate brokerage'' and ''property management'' respectively, as those terms were understood by the Federal Reserve Board prior to March 11, 2000) is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity. For purposes of this paragraph, ''real estate brokerage activity'' shall mean ''real estate brokerage'', and ''real estate management activity'' shall mean ''property management'' as those terms were understood by the Federal Reserve Board prior to March 11, 2000.

SEC. 618. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 619. Notwithstanding section 10(b) of the Harry S Truman Memorial Scholarship Act (20 U.S.C. 2009(b)), hereafter, at the request of the Board of Trustees of the Harry S Truman Scholarship Foundation, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the Harry S Truman Memorial Scholarship Trust Fund, as provided in such section. All requests of the Board of Trustees to the Secretary provided for in this section shall be binding on the Secretary.

SEC. 620. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

SEC. 621. None of the funds made available by this Act may be used by the Federal Communications Commission to implement the Fairness Doctrine, as repealed in General Fairness Doctrine Obligations of Broadcast Licensees (50 Fed. Reg. 35418 (1985)), or any other regulations having the same substance.

SEC. 622. Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(r) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

''(1) REDESIGN IN 2009.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

''(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection

(d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

''(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

''(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

''(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(3) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the chief executive of the District of Columbia or the territory being honored, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Coinage Advisory Committee.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection honoring the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(6) OTHER PROVISIONS.—

''(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

''(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

''(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.''.

SEC. 623. (a) IN GENERAL.—Section 5112(n)(2) of title 31, United States Code, is amended—

(1) in subparagraph (C)(i)—

(A) by striking ''inscriptions'' and inserting ''inscription''; and

(B) by striking ''and 'In God We Trust' ''; and

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

''(F) INSCRIPTION OF 'IN GOD WE TRUST'.—The design on the obverse or the reverse shall bear the inscription 'In God We Trust'.''.

(b) CONFORMING AMENDMENT.—Section 5112(r)(2) of title 31, United States Code, is amended—

(1) in subparagraph (C)(i)—

(A) by striking ''inscriptions'' and inserting ''inscription''; and

(B) by striking ''and 'In God We Trust' ''; and

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

''(E) INSCRIPTION OF 'IN GOD WE TRUST'.—The design on the obverse or the reverse shall bear the inscription 'In God We Trust'.''.

(c) EFFECTIVE DATE.—The change required by the amendments made by subsections (a) and (b) shall be put into effect by the Secretary of the Treasury as soon as is practicable after the date of enactment of this Act.

SEC. 624. There is hereby appropriated $600,000, to remain available until expended, for the Christopher Columbus Fellowship Foundation, established by Section 423 of Public Law 102–281.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. Hereafter, funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 702. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2008 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 703. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $12,888 except station wagons for which the maximum shall be $13,312: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 704. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 705. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 706. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 707. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to,

the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 708. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 709. Hereafter, no part of any appropriation contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 710. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 711. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 712. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2008, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2008, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2008, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2008 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2008 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2007, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2007, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2007.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 713. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 714. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 715. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 716. Hereafter, no department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), the Age Discrimination in Employment Act of 1967 (Public Law 90–202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93–112, 87 Stat. 355).

SEC. 717. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 718. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 719. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with

and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 720. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 721. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 722. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 723. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 724. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under section 105 of title 5, United States Code;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 725. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 726. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Chief Acquisition Officers Council for procurement initiatives): Provided further, That the total funds transferred or reimbursed shall not exceed $10,000,000: Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 727. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 728. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 729. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 730. Section 403(f) of the Government Management Reform Act of 1994 (31 U.S.C. 501 note; Public Law 103–356) is amended to read as follows:

''(f) TERMINATION OF CERTAIN AUTHORITY.—The authority of the Secretary of Homeland Security to carry out a pilot program under this section shall terminate on October 1, 2008.''.

SEC. 731. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 732. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 733. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 734. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 735. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of

Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 736. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 737. (a) For fiscal year 2008, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

(b) Hereafter, any funding request for a new or ongoing E-Government initiative by any agency or agencies managing the development of an initiative shall include in justification materials submitted to the House and Senate Committees on Appropriations the information in subsection (d).

(c) Hereafter, any funding request by any agency or agencies participating in the development of an E-Government initiative and contributing funding for the initiative shall include in justification materials submitted to the House and Senate Committees on Appropriations—

(1) the amount of funding contributed to each initiative by program office, bureau, or activity, as appropriate; and

(2) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds.

(d) The report in (a) and justification materials in (b) shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(e) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the House and Senate Committees on Appropriations.

SEC. 738. Notwithstanding section 1346 of title 31, United States Code, and section 710 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2008 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2009. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any twelve-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 739. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency that, on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(i) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000; and

(C) the contractor does not receive an advantage for a proposal that would reduce costs for the Federal Government by—

(i) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract;

(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Federal Government for health benefits for civilian employees under chapter 89 of title 5, United States Code; or

(iii) offering to such workers a retirement benefit that in any year costs less than the annual retirement cost factor applicable to Federal employees under chapter 84 of title 5, United States Code.

(2) This paragraph shall not apply to—

(A) the Department of Defense;

(B) section 44920 of title 49, United States Code;

(C) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act;

(D) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(E) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this Act.

(b) USE OF PUBLIC-PRIVATE COMPETITION.—Nothing in Office of Management and Budget Circular A–76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

(c) BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.—

(1) ELIGIBILITY TO PROTEST.—

(A) Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under OMB Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.''.

(B)(i) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''§ 3557. Expedited action in protests for public-private competitions

''For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.''.

(ii) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests for public-private competitions''.

(2) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(3) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by paragraph (1)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by paragraph (2)), shall apply to—

(A) protests and civil actions that challenge final selections of sources of performance of an

activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(B) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A–76, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

(d) LIMITATION.—(1) None of the funds available in this Act may be used—

(A) by the Office of Management and Budget to direct or require another agency to take an action specified in paragraph (2); or

(B) by an agency to take an action specified in paragraph (2) as a result of direction or requirement from the Office of Management and Budget.

(2) An action specified in this paragraph is the preparation for, undertaking, continuation of, or completion of a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(e) APPLICABILITY.—This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 740. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2008 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.5 percent, and this adjustment shall apply to civilian employees in the Department of Homeland Security and shall apply to civilian employees in the Department of Defense who are represented by a labor organization as defined in 5 U.S.C. 7103(a)(4), and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2008. Civilian employees in the Department of Defense who are eligible to be represented by a labor organization as defined in 5 U.S.C. 7103(a)(4), but are not so represented, will receive the adjustment provided for in this section unless the positions are entitled to a pay adjustment under 5 U.S.C. 9902.

(b) Notwithstanding section 712 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2008 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2008.

SEC. 741. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 742. (a) None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

(b) Section 522 of division H of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3268; 5 U.S.C. 552a note) is amended by striking subsection (d) and inserting the following:

''(d) INSPECTOR GENERAL REVIEW.—The Inspector General of each agency shall periodically conduct a review of the agency's implementation of this section and shall report the results of its review to the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Oversight and Government Reform, and the Senate Committee on Homeland Security and Governmental Affairs. The report required by this review may be incorporated into a related report to Congress otherwise required by law including, but not limited to, 44 U.S.C. 3545, the Federal Information Security Management Act of 2002. The Inspector General may contract with an independent, third party organization to conduct the review.''.

SEC. 743. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): Provided, That section 604(a)(3) of such Act shall be amended by adding to the end the following:

''(G) executive departments and agencies in connection with the issuance of government-sponsored individually-billed travel charge cards.'':

Provided further, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided further, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 744. CROSSCUT BUDGET. (A) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 30 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 745. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 746. (a) Each executive department and agency shall establish and maintain on the homepage of its website, an obvious, direct link to the website of its respective Inspector General.

(b) Each Office of Inspector General shall: (1) post on its website any public report or audit or portion of any report or audit issued within one day of its release; (2) provide a service on its website to allow an individual to request automatic receipt of information relating to any public report or audit or portion of that report or audit and which permits electronic transmittal of the information, or notice of the availability of the information without further request; and (3) establish and maintain a direct link on its website for individuals to anonymously report waste, fraud and abuse.

SEC. 747. (a) None of the funds available under this or any other Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget (OMB) Circular A–76, or any successor regulation, directive or policy, relating to the Human Resources Lines of Business initiative until 60 days after the Director of the Office of Management and Budget submits to the Committees on Appropriations of the House of Representatives and the Senate a report on the use of public-private competitions and direct conversion to contractor performance as part of the Human Resources Lines of Business initiative.

(b) The report required by this section shall address the following:

(1) The role, if any, that public-private competitions under Circular A–76 or direct conversions to contractor performance are expected to play as part of the Human Resources Lines of Business initiative.

(2) The expected impact, if any, of the initiative on employment levels at the Federal agencies involved or across the Federal Government as a whole.

(3) An estimate of the annual and recurring savings the initiative is expected to generate and a description of the methodology used to derive that estimate.

(4) An estimate of the total transition costs attributable to the initiative.

(5) Guidance for use by agencies in evaluating the benefits of the initiative and in developing alternative strategies should expected benefits fail to materialize.

(c) The Director of the Office of Management and Budget shall provide a copy of the report to the Government Accountability Office at the same time the report is submitted to the Committees on Appropriations of the House of Representatives and the Senate. The Government Accountability Office shall review the report and brief the Committees on its views concerning the report within 45 days after receiving the report from the Director.

SEC. 748. No later than 180 days after enactment of this Act, the Office of Management and Budget shall establish a pilot program to develop and implement an inventory to track the cost and size (in contractor manpower equivalents) of service contracts, particularly with respect to contracts that have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years, involve inherently governmental functions, or were undertaken without competition. The pilot program shall be established in at least three Cabinet-level departments, based on varying levels of annual contracting for services, as reported by the Federal Procurement Data System's Federal Procurement Report for fiscal year 2005, including at least one Cabinet-level department that contracts out annually for $10,000,000,000 or more in services, at least one Cabinet-level department that contracts out annually for between $5,000,000,000 and $9,000,000,000 in services, and at least one Cabinet-level department that contracts out annually for under $5,000,000,000 in services.

SEC. 749. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such titles IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless in the case of Federal funds, the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008 and October 1, 2008, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

(b) None the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008 and October 1, 2008, setting forth detailed information regarding each reprogramming conducted subject to this subsection, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

(c) The District of Columbia Government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through December 1, 2008.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. Notwithstanding section 8344(a) of title 5, United States Code, the amendment made by section 2 of the District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004 (D.C. Law 15–207) shall apply with respect to any individual employed in an appointive or elective position with the District of Columbia government after December 7, 2004.

SEC. 808. No later than 30 days after the end of the first quarter of fiscal year 2008, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2008 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2009. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 809. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 810. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 811. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 812. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia

and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2008, an inventory, as of September 30, 2007, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 813. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 814. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 815. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: Provided, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2008 and October 1, 2008, a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 816. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 817. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate annual reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 818. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, section 1–204.42), for all agencies of the District of Columbia government for fiscal year 2008 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 819. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term ''action'' includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 820. The amount appropriated by this title may be increased by no more than $100,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2007 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt Reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 821. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as ''Other-Type Funds'' in the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 822. The Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98–198): Provided, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: Provided further, That the borrowing shall not deplete either fund by more than 50 percent: Provided further, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: Provided further, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 823. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 824. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 825. (a) DIRECT APPROPRIATION.—Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1607(a), D.C. Official Code) is amended by striking the first 2 sentences and inserting the following: ''There are authorized to be appropriated to the Service in each fiscal year such funds as may be necessary to carry out this chapter.''.

(b) CONFORMING AMENDMENT.—Section 11233 of the Balanced Budget Act of 1997 (sec. 24–133, D.C. Official Code) is amended by striking subsection (f).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 826. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred shall retain appropriation authority consistent with the provisions of this Act.

SEC. 827. In fiscal year 2008 and thereafter, amounts deposited in the Student Enrollment Fund shall be available for expenditure upon deposit and shall remain available until expended consistent with the terms detailed in ''The Student Funding Formula Assessment, Educational Data Warehouse, and Enrollment Fund Establishment Amendment Act of 2007'' (title IV–D of D.C. Law L17–0020) and the entire provisions of that Act are incorporated herein by reference.

SEC. 828. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the ''Financial Services and General Government Appropriations Act, 2008''.

DIVISION E—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $97,353,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses: Provided further, That $15,000,000 shall not be available for obligation until the Secretary (1) certifies and reports to the Committees on Appropriations of the Senate and the House of Representatives that the Department has revised Departmental guidance with respect to relations with the Government Accountability Office to specifically provide for: (a) expedited timeframes for providing the Government Accountability Office with access to records within 20 days from the date of request; (b) expedited timeframes for interviews of program officials by the Government Accountability Office after reasonable notice has been furnished to the Department by the Government Accountability Office; and (c) a significant streamlining of the review process for documents and interview requests by liaisons, counsel, and program officials, consistent with the objective that the Government Accountability Office be given timely and complete access to documents and agency officials; and (2) defines in a memorandum to all Department employees the roles and responsibilities of the Department of Homeland Security Inspector General: Provided further, That the Secretary shall make the revisions to Departmental guidance with respect to relations with the Government Accountability Office in consultation with the Comptroller General of the United States and issue departmental guidance with respect to relations with the Department of Homeland Security Inspector General in consultation with the Inspector General: Provided further, That not more than seventy-five percent of the funds provided under this heading shall be obligated prior to the submission of the first quarterly report on progress to improve and modernize efforts to remove criminal aliens judged deportable from the United States.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $150,238,000, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $31,300,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $295,200,000; of which $81,000,000 shall be available for salaries and expenses; and of which $214,200,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, of which not less than $36,800,000 shall be available, as requested in the President's Fiscal Year 2008 Budget, for Department of Homeland Security data center development and an additional $35,500,000 shall be available for further construction of the National Center for Critical Information Processing and Storage: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $306,000,000, to remain available until September 30, 2009, of which not to exceed $5,000 shall be for official reception and representation expenses: Provided, That of the amounts made available under this heading in Public Law 109–295, $8,700,000 are rescinded.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $2,700,000: Provided, That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2008.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $92,711,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (2,300 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $6,802,560,000, of which $3,093,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $226,740,000 shall be for Air and Marine Operations; of which $13,000,000 shall be used to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That of the amount provided under this heading, $323,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That for fiscal year 2008, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That of the amount made available under this heading, $202,816,000 shall remain available until September 30, 2009, to support software development, equipment, contract services, and the implementation of inbound lanes and modification to vehicle primary processing lanes at ports of entry; of which $100,000 is to promote information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security, as authorized by section 879 of Public Law 107–296; and of which $75,000,000 may not be obligated until the Committees on Appropriations of the Senate and the

House of Representatives receive a report not later than 120 days after the date of enactment of this Act on the preliminary results of testing of pilots at ports of entry used to develop and implement the plan required by section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), which includes the following information: (1) infrastructure and staffing required, with associated costs, by port of entry; (2) updated milestones for plan implementation; (3) a detailed explanation of how requirements of such section have been satisfied; (4) confirmation that a vicinity-read radio frequency identification card has been adequately tested to ensure operational success; and (5) a description of steps taken to ensure the integrity of privacy safeguards.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $476,609,000, to remain available until expended, of which not less than $316,969,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $216,969,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security that includes:

(1) a detailed accounting of the program's progress up to the date of the report in meeting prior commitments made to the Committees relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program, with the status of the Department's efforts to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7, as well as supporting analyses generated by and used in the Department's process;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision makers, as well as a listing of the program's high risks and the status of efforts to address them;

(8) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation; and

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $1,225,000,000, to remain available until expended: Provided, That of the amount provided under this heading, $1,053,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That of the amount provided under this heading, $650,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 90 days after the date of enactment of this Act, for a program to establish a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology, that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment (including lifecycle costs) required by the Secure Border Initiative network or any successor contract, and description of the methodology used to obtain these cost figures;

(2) a description of how activities will further the objectives of the Secure Border Initiative, as defined in the Secure Border Initiative multi-year strategic plan, and how the plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing (including full-time equivalents, contractors, and detailees) requirements by activity;

(5) a description of how the plan addresses security needs at the Northern Border and the ports of entry, including infrastructure, technology, design and operations requirements;

(6) a report on costs incurred, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address them;

(8) a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(9) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(10) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks, and the status of their implementation;

(11) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address them;

(12) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;

(13) an analysis by the Secretary for each segment, defined as no more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control; such analysis should include cost, level of operational control, possible unintended effects on communities, and other factors critical to the decision-making process;

(14) a certification by the Chief Procurement Officer of the Department of Homeland Security that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program, Secure Border Initiative network contract, and any related contracts, including the exercise of technical oversight, and a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the projects funded under this heading; and

(15) is reviewed by the Government Accountability Office:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on program progress to date and specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations: (1) at least 30 days prior to the award of any task order requiring an obligation of funds in excess of $100,000,000; and (2) prior to the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: Provided further, That of the funds provided under this heading, not more than $2,000,000 shall be used to reimburse the Defense Acquisition University for the costs of conducting a review of the Secure Border Initiative network contract and determining how and whether the Department is employing the best procurement practices: Provided further, That none of the funds under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority

pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $570,047,000, to remain available until expended: Provided, That of the amount provided under this heading, $94,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2008 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $348,363,000, to remain available until expended; of which $39,700,000 shall be for the Advanced Training Center: Provided, That of the amount provided under this heading, $61,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $4,687,517,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities as requested by the President; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That of the amount provided under this heading, $516,400,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2008, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount provided, not less than $2,381,401,000 is for detention and removal operations: Provided further, That of the total amount provided, $200,000,000 shall remain available until September 30, 2009, to improve and modernize efforts to identify aliens convicted of a crime, sentenced to imprisonment, and who may be deportable, and remove them from the United States once they are judged deportable: Provided further, That none of the funds made available to improve and modernize efforts to identify and remove aliens convicted of a crime, sentenced to imprisonment, and who may be deportable (in this proviso referred to as criminal aliens), and remove them from the United States once they are judged deportable, shall be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 90 days after the date of enactment of this Act, to modernize the policies and technologies used to identify and remove criminal aliens, that—

(1) presents a strategy for U.S. Immigration and Customs Enforcement to identify every criminal alien, at the prison, jail, or correctional institution in which they are held;

(2) establishes the process U.S. Immigration and Customs Enforcement, in conjunction with the U.S. Department of Justice, will use to make every reasonable effort to remove, upon their release from custody, all criminal aliens judged deportable;

(3) presents a methodology U.S. Immigration and Customs Enforcement will use to identify and prioritize for removal criminal aliens convicted of violent crimes;

(4) defines the activities, milestones, and resources for implementing the strategy and process described in sections (1) and (2); and

(5) includes program measurements for progress in implementing the strategy and process described in sections (1) and (2):

Provided further, That the Secretary of Homeland Security or a designee of the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the expenditure plan required in the preceding proviso, and the funds obligated during that quarter to make that progress: Provided further, That the funding and staffing resources necessary to carry out the strategy and process described in sections (1) and (2) under this heading shall be identified in the President's fiscal year 2009 budget submission to Congress.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2007, that the operations of the Federal Protective Service will be fully funded in fiscal year 2008 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure the Federal Protective Service maintains, by July 31, 2008, not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff'').

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $30,700,000, to remain available until expended: Provided, That of the funds made available under this heading, $5,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $16,500,000, to remain available until expended: Provided, That of the amount provided under this heading, $10,500,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain illegal aliens until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,808,691,000, to remain available until September 30, 2009, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $3,768,489,000 shall be for screening operations, of which $294,000,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed $1,009,977,000 shall be for aviation security direction and enforcement: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase and utilization of emerging technology equipment; the refurbishment and replacement of current equipment; the installation of surveillance systems to monitor checkpoint activities; the modification of checkpoint infrastructure to support checkpoint reconfigurations; and the creation of additional checkpoints to screen aviation passengers and airport personnel: Provided further, That of the amounts provided under this heading, $30,000,000 may be transferred to the ''Surface Transportation Security''; ''Transportation Threat Assessment And Credentialing''; and ''Transportation Security Support'' appropriations in this Act for the purpose of implementing regulations and activities authorized in Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53): Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $2,598,466,000: Provided further, That any

security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2009: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $46,613,000, to remain available until September 30, 2009.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $82,590,000, to remain available until September 30, 2009: Provided, That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watch list, then the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no significant security risks are raised by screening airline passenger names only against a subset of the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $523,515,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, $10,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for checkpoint support and explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2008; and a strategic plan required for checkpoint technologies as described in the joint explanatory statement of managers accompanying the fiscal year 2007 conference report (H. Rept. 109–699): Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $769,500,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,891,347,000, of which $340,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses; and of which $3,600,000 shall be for costs to plan and design an expansion to the Operations Systems Center subject to the approval of a prospectus: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That not to exceed 5 percent of this appropriation may be transferred to the ''Acquisition, Construction, and Improvements'' appropriation for personnel compensation and benefits and related costs to adjust personnel assignment to accelerate management and oversight of new or existing projects without detrimentally affecting the management and oversight of other projects: Provided further, That the amount made available for ''Personnel, Compensation, and Benefits'' in the ''Acquisition, Construction, and Improvements'' appropriation shall not be increased by more than 10 percent by such transfers: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of each transfer within 30 days after it is executed by the Treasury: Provided further, That of the amount provided under this heading, $70,300,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $126,883,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS (INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,125,083,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $45,000,000 shall be available until September 30, 2012, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $173,100,000 shall be available until September 30, 2010, for other equipment; of which $40,997,000 shall be available until September 30, 2010, for shore facilities and aids to navigation facilities; of which $82,720,000 shall be available for personnel compensation and benefits and related costs; and of which $783,266,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: Provided, That of the funds made available for the Integrated Deepwater Systems program, $327,416,000 is for aircraft and $243,400,000 is for surface ships: Provided further, That of the amount provided in the preceding proviso for aircraft, $70,000,000 may not be obligated for the Maritime Patrol Aircraft until the Commandant of the Coast Guard certifies that the mission system pallet Developmental Test and Evaluation of the HC–144A CASA Maritime Patrol Aircraft is complete: Provided further, That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an alternatives analysis has been completed by an independent qualified third party: Provided further, That $300,000,000 of the funds provided for the Integrated Deepwater Systems program may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and lifecycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies lifecycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) includes a certification by the Chief Human Capital Officer of the Department that current human capital capabilities are sufficient to execute the plans discussed in the report;

(6) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(7) identifies individual project balances by fiscal year, including planned carryover into fiscal year 2009 by project;

(8) identifies operational gaps by asset and explains how funds provided in this Act address the shortfalls between current operational capabilities and requirements;

(9) includes a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Coast Guard actions to address the recommendations, including milestones for fully addressing them;

(10) includes a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(11) identifies use of the Defense Contract Auditing Agency;

(12) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with plans for addressing these risks, and the status of their implementation;

(13) identifies the use of independent validation and verification; and

(14) is reviewed by the Government Accountability Office:

Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2009 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of

the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That of amounts made available under this heading in Public Laws 108–334 and 109–90 for the Offshore Patrol Cutter, $98,627,476 are rescinded: Provided further, That of amounts made available under this heading in Public Law 108–334 for VTOL unmanned aerial vehicles (VUAV), $162,850 are rescinded: Provided further, That of amounts made available under this heading in Public Law 109–90 for unmanned air vehicles (UAVs), $32,942,138 are rescinded: Provided further, That of amounts made available under this heading in Public Law 109–295 for VTOL unmanned aerial vehicles (UAVs), $716,536 are rescinded: Provided further, That of the amount provided under this heading, $95,800,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $16,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $25,000,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 645 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,381,771,000, of which $853,690,000 is for protective functions; of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2009: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for National Protection and Programs, the National Protection Planning Office, support for operations, information technology, and Risk Management and Analysis, $47,346,000: Provided, That not to exceed $5,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided under this heading, $5,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan by program, project, and activity.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $654,730,000, of which $586,960,000 shall remain available until September 30, 2009.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $475,000,000, to remain available until expended: Provided, That of the amount provided under this heading, $275,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That of the total amount made available under this heading, $125,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(5) a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks, and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and Department of Homeland Security investment decisionmakers, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;

(10) a complete schedule for the full implementation of a biometric exit program or a certification that such program is not possible within five years;

(11) a detailed accounting of operation and maintenance, contractor services, and program costs associated with the management of identity services; and

(12) is reviewed by the Government Accountability Office.

OFFICE OF HEALTH AFFAIRS

For the necessary expenses of the Office of Health Affairs, $116,500,000; of which $24,317,000 is for salaries and expenses; and of which $92,183,000, to remain available until September 30, 2009, is for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $664,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,000,000 shall be for the Office of National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,177,800,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) as amended by Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53): Provided, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden and is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2008, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004;

(2) $820,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) as amended by Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), of which, notwithstanding subsection (c)(1) of such section, $15,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high-risk of a terrorist attack;

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants;

(4) $41,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723);

(5) $15,000,000 shall be for the Citizens Corps Program;

(6) $400,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163), of which not less than $25,000,000 shall be for Amtrak security;

(7) $400,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107;

(8) $11,500,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1182);

(9) $16,000,000 shall be for Trucking Industry Security Grants;

(10) $50,000,000 shall be for Buffer Zone Protection Program Grants;

(11) $50,000,000 shall be for grants under section 204 of the REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C. 30301 note): Provided, That the amount provided under this paragraph shall be designated as described in section 5 (in the matter preceding division A of this consolidated Act);

(12) $25,000,000 shall be for the Commercial Equipment Direct Assistance Program;

(13) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579) as amended by Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53);

(14) $15,000,000 shall be for grants for construction of Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) as amended by Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53); and

(15) $299,300,000 shall be for training, exercises, technical assistance, and other programs: Provided, That not to exceed three percent of the amounts provided under this heading may be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration: Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (6) through (11), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers: Provided further, That the Government Accountability Office shall report to the Committees on Appropriations of the Senate and the House of Representatives regarding the data, assumptions, and methodology that the Department uses to assess risk and allocate Urban Area Security Initiative and State Homeland Security Grants not later than 45 days after the date of enactment of this Act: Provided further, That the report shall include the reliability and validity of the data used, the basis for the assumptions used, how the methodology is applied to determine the risk scores for individual locations, an analysis of the usefulness of placing States and cities into tier groups, and the allocation of grants to eligible locations: Provided further, That the Department provide the Government Accountability Office with the actual data that the Department used for its risk assessment and grant allocation for at least two locations at the discretion of the Government Accountability Office for the 2007 grant allocation process: Provided further, That the Department provide the Government Accountability Office with access to all data needed for its analysis and report, including specifics on all changes for the fiscal year 2008 process, including, but not limited to, all changes in data, assumptions, and weights used in methodology within seven days after the date of enactment of this Act: Provided further, That any subsequent changes made regarding the risk methodology after the initial information is provided to the Government Accountability Office shall be provided within seven days after the change is made.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000, of which $560,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $190,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2009: Provided, That not to exceed five percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $300,000,000: Provided, That total administrative costs shall not exceed three percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2008, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall

not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2008, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $43,300,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,400,000,000, to remain available until expended: Provided, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided further, That up to $60,000,000 may be transferred to ''Management and Administration'', Federal Emergency Management Agency, of which $48,000,000 and 250 positions are for management and administration functions and $12,000,000 is for activities related to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That of the amount provided in the previous proviso, $30,000,000 shall not be available for transfer for management and administration functions until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives regarding the 250 positions: Provided further, That the Federal Emergency Management Agency shall hereafter submit a monthly ''Disaster Relief'' report to the Committees on Appropriations of the Senate and the House of Representatives to include:

(1) status of the Disaster Relief fund including obligations, allocations, and amounts undistributed/unallocated;

(2) allocations, obligations, and expenditures for Hurricanes Katrina, Rita, and Wilma and all open disasters;

(3) information on national flood insurance claims;

(4) obligations, allocations, and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance, and individual assistance;

(5) mission assignment obligations by agency, including:

(A) the amounts to other agencies that are in suspense because the Federal Emergency Management Agency has not yet reviewed and approved the documentation supporting the expenditure or for which an agency has been mission assigned but has not submitted necessary documentation for reimbursement;

(B) an explanation if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective; and

(C) each such agency's actual obligation and expenditure data;

(6) the amount of credit card purchases by agency and mission assignment;

(7) specific reasons for all waivers granted and a description of each waiver;

(8) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract, and the reason for the lack of competitive award; and

(9) an estimate of when available appropriations will be exhausted, assuming an average disaster season:

Provided further, That for any request for reimbursement from a Federal agency to the Department to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements, and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $875,000, of which $580,000 is for administrative expenses to carry out the direct loan program and $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed three percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $145,000,000, which is available as follows: (1) not to exceed $45,642,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $99,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), to remain available until September 30, 2009, including up to $34,000,000 for flood mitigation expenses under section 1366 of that Act (42 U.S.C. 4104c), which shall be available for transfer to the National Flood Mitigation Fund under section 1367 of that Act (42 U.S.C. 4104) until September 30, 2009: Provided, That any additional fees collected pursuant to section 1307 of that Act shall be credited as an offsetting collection to this account, to be available for flood hazard mitigation expenses: Provided further, That in fiscal year 2008, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $70,000,000 for operating expenses; (2) $773,772,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $90,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: Provided further, That total administrative costs shall not exceed four percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968, $34,000,000 (42 U.S.C. 4104c), to remain available until September 30, 2009, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $34,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PREDISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $114,000,000, to remain available until expended: Provided, That grants made for predisaster mitigation shall be awarded subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): Provided further, That the total administrative costs associated with such grants shall not exceed three percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $80,973,000: Provided, That of the amount provided under this heading, $80,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That of the total, $20,000,000 is provided to address backlogs of security checks associated with pending applications and petitions and shall not be available for obligation until the Secretary of Homeland Security and the United States Attorney General submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission: Provided further, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $238,076,000, of which up to $48,111,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2009; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of

which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That of the amount provided under this heading, $17,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) as amended by Public Law 109–295 (120 Stat. 1374) is further amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $50,590,000, to remain available until expended: Provided, That of the amount provided under this heading, $4,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $138,600,000: Provided, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $691,735,000, to remain available until expended: Provided, That none of the funds made available under this heading shall be obligated for the Analysis, Dissemination, Visualization, Insight, and Semantic Enhancement program or any follow-on or successor program.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by the second title XVIII of the Homeland Security Act of 2002 and for management and administration of programs and activities, $31,500,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $323,500,000, to remain available until expended.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $129,750,000, to remain available until September 30, 2010: Provided, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved: Provided further, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal Monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary of Homeland Security shall consult with the National Academy of Sciences before making such certification: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2008 Budget Appendix for the Department of Homeland Security, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the ''Department of Homeland Security Working Capital Fund'', except for the activities and amounts allowed in the President's fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: Provided, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations for salaries and expenses for fiscal year 2008 in this Act shall remain available through September 30, 2009, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

SEC. 507. The Federal Law Enforcement Training Accreditation Board shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: Provided, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account from which the funds are being drawn: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of State Homeland Security grants; Urban Area Security Initiative grants; or Regional Catastrophic Preparedness Grants.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow-on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or any other Act may be used for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 517. Section 517(b) of the Department of Homeland Security Appropriations Act, 2007 (18 U.S.C. 3056 note) is amended to read as follows:

''(b) For fiscal year 2008, and each fiscal year thereafter, the Director of the United States Secret Service may enter into an agreement to perform protection of a Federal official other than a person granted protection under section 3056(a) of title 18, United States Code, on a fully reimbursable basis.''.

SEC. 518. (a) The Secretary of Homeland Security shall research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Assistant Secretary (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter.

(d) Not later than 45 days after the end of each quarter, the Assistant Secretary (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet section 44901(g)(2) of title 49, United States Code.

SEC. 519. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.

SEC. 520. No funding made available to the Department of Homeland Security in this Act shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar capacity, who has not received COTR training.

SEC. 521. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' for fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 522. Section 525(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1382) shall apply to fiscal year 2008.

SEC. 523. Any funds appropriated to United States Coast Guard, ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 524. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2008.

SEC. 525. None of the funds provided in this Act shall be available to commence operations of the National Applications Office or the National Immigration Information Sharing Operation until the Secretary certifies that these programs comply with all existing laws, including all applicable privacy and civil liberties standards, and that certification is reviewed by the Government Accountability Office.

SEC. 526. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 527. Section 532(a) of Public Law 109–295 is amended by striking ''2007'' and inserting ''2008''.

SEC. 528. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

SEC. 529. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 530. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

SEC. 531. None of the funds made available by this Act may be used to take an action that would violate Executive Order No. 13149 (65 Fed. Reg. 24607; relating to greening the Government through Federal fleet and transportation efficiency).

SEC. 532. Subsections (a), (b), and (d)(1) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2008.

SEC. 533. None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any system related to the MAX–HR project, or any subsequent but related human resources management project, until any pending litigation concerning such activities is resolved, and any legal claim or appeal by either party has been fully resolved.

SEC. 534. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

''(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.''.

SEC. 535. (a) AMENDMENTS RELATING TO THE CIVIL SERVICE RETIREMENT SYSTEM.—

(1) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (28), by striking the period at the end of the first paragraph (29) and inserting a semicolon, by redesignating the second paragraph (29) as paragraph (30), and by striking the period at the end of paragraph (30) (as so redesignated) and inserting ''; and''; and

(B) by adding at the end the following:

''(31) 'customs and border protection officer' means an employee in the Department of Homeland Security (A) who holds a position within the GS-1895 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position, and (B) whose duties include activities relating to the arrival and departure of persons, conveyances, and merchandise at ports of entry, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties (as described in subparagraph (B)) in 1 or more positions (as described in subparagraph (A)) for at least 3 years.''.

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(A) in subsection (a)(1)(A), by striking ''or nuclear materials courier,'' and inserting ''nuclear materials courier, or customs and border protection officer,''; and

(B) in the table contained in subsection (c), by adding at the end the following:

''Customs and border protection officer	*7.5*	*After June 29, 2008.''.*

(3) MANDATORY SEPARATION.—The first sentence of section 8335(b)(1) of title 5, United States Code, is amended by striking ''or nuclear materials courier'' and inserting ''nuclear materials courier, or customs and border protection officer''.

(4) IMMEDIATE RETIREMENT.—Section 8336 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking ''or nuclear materials courier'' and inserting ''nuclear materials courier, or customs and border protection officer''; and

(B) in subsections (m) and (n), by striking ''or as a law enforcement officer,'' and inserting ''as a law enforcement officer, or as a customs and border protection officer,''.

(b) AMENDMENTS RELATING TO THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) DEFINITIONS.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (34), by striking ''and'' at the end;

(B) in paragraph (35), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(36) the term 'customs and border protection officer' means an employee in the Department of Homeland Security (A) who holds a position within the GS-1895 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position, and (B) whose duties include activities relating to the arrival and departure of persons, conveyances, and merchandise at ports of entry, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties (as described in subparagraph (B)) in 1 or more positions (as described in subparagraph (A)) for at least 3 years.''.

(2) IMMEDIATE RETIREMENT.—Paragraphs (1) and (2) of section 8412(d) of title 5, United States Code, are amended by striking ''or nuclear materials courier,'' and inserting ''nuclear materials courier, or customs and border protection officer,''.

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code, is amended by striking ''or air traffic controller.'' and inserting ''air traffic controller, or customs and border protection officer''.

(4) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, is amended by adding at the end the following:

''Customs and border protection officer	*7.5*	*After June 29, 2008.''.*

(5) GOVERNMENT CONTRIBUTIONS.—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, are amended by inserting ''customs and border protection officers,'' after ''nuclear materials couriers,'' each place it appears.

(6) MANDATORY SEPARATION.—Section 8425(b)(1) of title 5, United States Code, is amended—

(A) by striking ''or nuclear materials courier who'' and inserting ''nuclear materials courier, or customs and border protection officer who''; and

(B) by striking ''or nuclear materials courier,'' and inserting ''nuclear materials courier, or customs and border protection officer''.

(c) MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—Section 3307 of title 5, United States Code, is amended by adding at the end the following:

''(g) The Secretary of Homeland Security may determine and fix the maximum age limit for an original appointment to a position as a customs and border protection officer, as defined by section 8401(36).''.

(d) REGULATIONS.—Any regulations necessary to carry out the amendments made by this section shall be prescribed by the Director of the Office of Personnel Management in consultation with the Secretary of Homeland Security.

(e) EFFECTIVE DATE; TRANSITION RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall become effective on the later of June 30, 2008, or the first day of the first pay period beginning at least 6 months after the date of the enactment of this Act.

(2) TRANSITION RULES.—

(A) NONAPPLICABILITY OF MANDATORY SEPARATION PROVISIONS TO CERTAIN INDIVIDUALS.—The amendments made by subsections (a)(3) and (b)(6), respectively, shall not apply to an individual first appointed as a customs and border protection officer before the effective date under paragraph (1).

(B) TREATMENT OF PRIOR CBPO SERVICE.—

(i) GENERAL RULE.—Except as provided in clause (ii), nothing in this section or any amendment made by this section shall be considered to apply with respect to any service performed as a customs and border protection officer before the effective date under paragraph (1).

(ii) EXCEPTION.—Service described in section 8331(31) or 8401(36) of title 5, United States Code (as amended by this section) rendered before the effective date under paragraph (1) may be taken into account to determine if an individual who is serving on or after such effective date then qualifies as a customs and border protection officer by virtue of holding a supervisory or administrative position in the Department of Homeland Security.

(C) MINIMUM ANNUITY AMOUNT.—The annuity of an individual serving as a customs and border protection officer on the effective date under paragraph (1) pursuant to an appointment made before that date shall, to the extent that its computation is based on service rendered as a customs and border protection officer on or after that date, be at least equal to the amount that would be payable—

(i) to the extent that such service is subject to the Civil Service Retirement System, by applying section 8339(d) of title 5, United States Code, with respect to such service; and

(ii) to the extent such service is subject to the Federal Employees' Retirement System, by applying section 8415(d) of title 5, United States Code, with respect to such service.

(D) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (c) shall be considered to apply with respect to any appointment made before the effective date under paragraph (1).

(3) ELECTION.—

(A) INCUMBENT DEFINED.—For purposes of this paragraph, the term ''incumbent'' means an individual who is serving as a customs and border protection officer on the date of the enactment of this Act.

(B) NOTICE REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall take measures reasonably designed to ensure that incumbents are notified as to their election rights under this paragraph, and the effect of making or not making a timely election.

(C) ELECTION AVAILABLE TO INCUMBENTS.—

(i) IN GENERAL.—An incumbent may elect, for all purposes, either—

(I) to be treated in accordance with the amendments made by subsection (a) or (b), as applicable; or

(II) to be treated as if subsections (a) and (b) had never been enacted.

Failure to make a timely election under this paragraph shall be treated in the same way as an election made under subclause (I) on the last day allowable under clause (ii).

(ii) DEADLINE.—An election under this paragraph shall not be effective unless it is made at least 14 days before the effective date under paragraph (1).

(4) DEFINITION.—For purposes of this subsection, the term ''customs and border protection officer'' has the meaning given such term by section 8331(31) or 8401(36) of title 5, United States Code (as amended by this section).

(5) EXCLUSION.—Nothing in this section or any amendment made by this section shall be considered to afford any election or to otherwise apply with respect to any individual who, as of the day before the date of the enactment of this Act—

(A) holds a position within U.S. Customs and Border Protection; and

(B) is considered a law enforcement officer for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, by virtue of such position.

SEC. 536. In fiscal year 2008, none of funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 537. None of the funds provided in this Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 538. The cumulative amount appropriated in title I of this Act for the ''Office of the Secretary and Executive Management'' and the ''Office of the Under Secretary for Management'' shall be reduced by $5,000,000.

SEC. 539. (a) Except as provided in subsection (b), none of the funds appropriated in this Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management and the Office of the Chief Financial Officer, may be obligated for a grant or contract awarded by a means other than full and open competition.

(b) This section does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase

made under a mandated preferential program, such as the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c); or

(2) under the Small Business Act (15 U.S.C. 631 et seq.).

(c) The Secretary of Homeland Security may waive the application of this section to the award of a contract in the period of a national emergency determined by the Secretary.

(d) In addition to the requirements established by this section, the Inspector General for the Department of Homeland Security shall review departmental contracts awarded through other than full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded during the previous fiscal year through other than full and open competition: Provided further, That in determining which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 540. Section 44940(a)(2) of title 49, United States Code, is amended by striking the period in the last sentence of subparagraph (A) and the clause (iv) of subparagraph B and adding the following, ''except for estimates and additional collections made pursuant to the appropriation for Aviation Security in Public Law 108–334: Provided, That such judicial review shall be pursuant to section 46110 of title 49, United States Code: Provided further, That such judicial review shall be limited only to additional amounts collected by the Secretary before October 1, 2007.''.

SEC. 541. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act declared disasters or emergencies.

SEC. 542. Section 46301(a) of title 49, United States Code, is amended by adding at the end the following:

''(6) FAILURE TO COLLECT AIRPORT SECURITY BADGES.—Notwithstanding paragraph (1), any employer (other than a governmental entity or airport operator) who employs an employee to whom an airport security badge or other identifier used to obtain access to a secure area of an airport is issued before, on, or after the date of enactment of this paragraph and who does not collect or make reasonable efforts to collect such badge from the employee on the date that the employment of the employee is terminated and does not notify the operator of the airport of such termination within 24 hours of the date of such termination shall be liable to the Government for a civil penalty not to exceed $10,000.''.

SEC. 543. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the grant of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the grant of the benefit.

SEC. 544. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 545. EXTENSION OF THE IMPLEMENTATION DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL INITIATIVE. Subparagraph (A) of section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking ''This plan shall be implemented not later than three months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier.'' and inserting ''Such plan may not be implemented earlier than the date that is the later of 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subparagraph (B) or June 1, 2009.''.

SEC. 546. None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107–296.

SEC. 547. None of the funds provided in this Act under the heading ''Office of the Chief Information Officer'' shall be used for data center development other than for the National Center for Critical Information Processing and Storage until the Chief Information Officer certifies that the National Center for Critical Information Processing and Storage is fully utilized, to the maximum extent feasible, as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 548. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 549. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 550. (a) Notwithstanding section 503 of this Act, up to $24,000,000 from prior year balances currently available to the Transportation Security Administration may be transferred to ''Transportation Threat Assessment and Credentialing'' for the Secure Flight program.

(b) In carrying out the transfer authority under subsection (a), the Transportation Security Administration shall not utilize any prior year balances from the following programs: screener partnership program; explosives detection system purchase; explosives detection system installation; checkpoint support; aviation regulation and other enforcement; air cargo; and air cargo research and development: Provided, That any funds proposed to be transferred under this section shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for such funds that is submitted by the Secretary of Homeland Security: Provided further, That the plan shall be submitted simultaneously to the Government Accountability Office for review consistent with its ongoing assessment of the Secure Flight Program as mandated by section 522(a) of Public Law 108–334 (118 Stat. 1319).

SEC. 551. RESCISSIONS. (a) The following unobligated balances made available pursuant to section 505 of Public Law 109–295 are rescinded: $2,003,441 from U.S. Customs and Border Protection ''Salaries and Expenses''; $9,583,611 from Coast Guard ''Operating Expenses''; $672,230 from ''United States Citizenship and Immigration Services''; $2,790,513 from Federal Emergency Management Agency ''Management and Administration''; $127,994 from Federal Emergency Management Agency ''Disaster Assistance Direct Loan Program Account''; $5,136,819 from U.S. Immigration and Customs Enforcement ''Salaries and Expenses''; $333,520 from Federal Law Enforcement Training Center ''Salaries and Expenses''; $4,211,376 from the ''Office of the Secretary and Executive Management''; $443,672 from the ''Office of the Under Secretary for Management''; $380,166 from the ''Office of the Chief Financial Officer''; $493,106 from the ''Office of the Chief Information Officer''; $368,166 from Domestic Nuclear Detection Office ''Management and Administration''; $45,369 from the ''Office of Health Affairs''; $32,299 from the ''Office of Inspector General''; $1,994,454 from National Protection and Programs Directorate ''Management and Administration''; and $216,727 from Science and Technology ''Management and Administration''.

(b) From the unobligated balances of funds transferred to the Department of Homeland Security when it was created in 2003, $59,286,537 are rescinded: Provided, That the rescission made under this subsection shall not be executed from the following programs: Coast Guard Retired Pay; U.S. Immigration and Customs Enforcement Violent Crime Reduction Program; Federal Law Enforcement Training Center Instructor Salaries; and Federal Emergency Management Agency National Security Support.

(c) Of the amounts available under the heading ''Counterterrorism Fund'', $8,480,000 are rescinded.

(d) Of the unobligated balances available in the ''Department of Homeland Security, Transportation Security Administration Expenses'' account, $4,500,000 are rescinded.

SEC. 552. Notwithstanding any other provision of law, the Secretary of Homeland Security shall, under the Federal Emergency Management Agency Public Assistance Program, provide a single payment for any eligible costs for local educational agencies impacted by Hurricanes Katrina or Rita within 30 days of such request: Provided, That the payment for schools in Louisiana shall be submitted to the Louisiana Department of Education, which may expend up to three percent of those funds for administrative costs: Provided further, That the Federal Emergency Management Agency shall not reduce assistance in accordance with section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for local educational agencies impacted by Hurricanes Katrina or Rita: Provided further, That nothing in the previous proviso shall be construed to alter the appeals or review process: Provided further, That section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall not apply to more than one facility on a school site impacted by Hurricanes Katrina or Rita.

SEC. 553. TECHNICAL CORRECTIONS. (a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

SEC. 554. Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking ''the Attorney General'' each place that term appears and inserting ''the head of any Federal department or agency''.

SEC. 555. Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of

Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

SEC. 556. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 557. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program required under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 558. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 559. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

SEC. 560. Notwithstanding any other provision of law, Watsonville Community Hospital, or its successor trust, shall not be required to pay the Federal Emergency Management Agency additional funds related to DR–845.

SEC. 561. Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide, under the Federal Emergency Management Agency Public Assistance Program, the relocation costs as estimated by the Federal Emergency Management Agency on May 5, 2006, for the Peebles School in Iberia Parish, Louisiana, which was damaged by Hurricane Rita in 2005.

SEC. 562. Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide, under the Federal Emergency Management Agency Public Assistance Program, the currently uncompensated debris removal costs from Super Typhoon Paka and the firefighting costs associated with the Malojloj hardfill fire in 1998.

SEC. 563. SECURE HANDLING OF AMMONIUM NITRATE.—(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"Subtitle J—Secure Handling of Ammonium Nitrate

"SEC. 899A. DEFINITIONS.

''In this subtitle:

''(1) AMMONIUM NITRATE.—The term 'ammonium nitrate' means—

''(A) solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen by weight; and

''(B) any mixture containing a percentage of ammonium nitrate that is equal to or greater than the percentage determined by the Secretary under section 899B(b).

''(2) AMMONIUM NITRATE FACILITY.—The term 'ammonium nitrate facility' means any entity that produces, sells or otherwise transfers ownership of, or provides application services for ammonium nitrate.

''(3) AMMONIUM NITRATE PURCHASER.—The term 'ammonium nitrate purchaser' means any person who purchases ammonium nitrate from an ammonium nitrate facility.

"SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

''(a) IN GENERAL.—The Secretary shall regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

''(b) AMMONIUM NITRATE MIXTURES.—Not later than 90 days after the date of the enactment of this subtitle, the Secretary, in consultation with the heads of appropriate Federal departments and agencies (including the Secretary of Agriculture), shall, after notice and an opportunity for comment, establish a threshold percentage for ammonium nitrate in a substance.

''(c) REGISTRATION OF OWNERS OF AMMONIUM NITRATE FACILITIES.—

''(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

''(A) owns an ammonium nitrate facility is required to register with the Department; and

''(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

''(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) shall submit to the Secretary—

''(A) the name, address, and telephone number of each ammonium nitrate facility owned by that person;

''(B) the name of the person designated by that person as the point of contact for each such facility, for purposes of this subtitle; and

''(C) such other information as the Secretary may determine is appropriate.

''(d) REGISTRATION OF AMMONIUM NITRATE PURCHASERS.—

''(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

''(A) intends to be an ammonium nitrate purchaser is required to register with the Department; and

''(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

''(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) as an ammonium nitrate purchaser shall submit to the Secretary—

''(A) the name, address, and telephone number of the applicant; and

''(B) the intended use of ammonium nitrate to be purchased by the applicant.

''(e) RECORDS.—

''(1) MAINTENANCE OF RECORDS.—The owner of an ammonium nitrate facility shall—

''(A) maintain a record of each sale or transfer of ammonium nitrate, during the two-year period beginning on the date of that sale or transfer; and

''(B) include in such record the information described in paragraph (2).

''(2) SPECIFIC INFORMATION REQUIRED.—For each sale or transfer of ammonium nitrate, the owner of an ammonium nitrate facility shall—

''(A) record the name, address, telephone number, and registration number issued under subsection (c) or (d) of each person that purchases ammonium nitrate, in a manner prescribed by the Secretary;

''(B) if applicable, record the name, address, and telephone number of an agent acting on behalf of the person described in subparagraph (A), at the point of sale;

''(C) record the date and quantity of ammonium nitrate sold or transferred; and

''(D) verify the identity of the persons described in subparagraphs (A) and (B), as applicable, in accordance with a procedure established by the Secretary.

''(3) PROTECTION OF INFORMATION.—In maintaining records in accordance with paragraph (1), the owner of an ammonium nitrate facility shall take reasonable actions to ensure the protection of the information included in such records.

''(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use in the production of an explosive under a license or permit issued under chapter 40 of title 18, United States Code.

''(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

''(h) DATA CONFIDENTIALITY.—

''(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA PATRIOT ACT (Public Law 107–56; 115 Stat. 272), and except as provided in paragraph (2), the Secretary may not disclose to any person any information obtained under this subtitle.

''(2) EXCEPTION.—The Secretary may disclose any information obtained by the Secretary under this subtitle to—

''(A) an officer or employee of the United States, or a person that has entered into a contract with the United States, who has a need to know the information to perform the duties of the officer, employee, or person; or

''(B) to a State agency under section 899D, under appropriate arrangements to ensure the protection of the information.

''(i) REGISTRATION PROCEDURES AND CHECK OF TERRORIST SCREENING DATABASE.—

''(1) REGISTRATION PROCEDURES.—

''(A) GENERALLY.—The Secretary shall establish procedures to efficiently receive applications for registration numbers under this subtitle, conduct the checks required under paragraph (2), and promptly issue or deny a registration number.

''(B) INITIAL SIX-MONTH REGISTRATION PERIOD.—The Secretary shall take steps to maximize the number of registration applications that are submitted and processed during the six-month period described in section 899F(e).

''(2) CHECK OF TERRORIST SCREENING DATABASE.—

''(A) CHECK REQUIRED.—The Secretary shall conduct a check of appropriate identifying information of any person seeking to register with the Department under subsection (c) or (d) against identifying information that appears in the terrorist screening database of the Department.

''(B) AUTHORITY TO DENY REGISTRATION NUMBER.—If the identifying information of a person seeking to register with the Department under subsection (c) or (d) appears in the terrorist screening database of the Department, the Secretary may deny issuance of a registration number under this subtitle.

''(3) EXPEDITED REVIEW OF APPLICATIONS.—

''(A) IN GENERAL.—Following the six-month period described in section 899F(e), the Secretary shall, to the extent practicable, issue or deny registration numbers under this subtitle not later than 72 hours after the time the Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.

''(B) NOTICE OF APPLICATION STATUS.—In all cases, the Secretary shall notify a person seeking to register with the Department under subsection (c) or (d) of the status of the application of that person not later than 72 hours after the time the Secretary receives a complete registration application.

''(4) EXPEDITED APPEALS PROCESS.—

''(A) REQUIREMENT.—

''(i) APPEALS PROCESS.—The Secretary shall establish an expedited appeals process for persons denied a registration number under this subtitle.

''(ii) TIME PERIOD FOR RESOLUTION.—The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.

''(B) CONSULTATION.—The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.

''(C) GUIDANCE.—The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to any person denied a registration number under this subtitle.

''(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

''(A) IN GENERAL.—Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

''(B) SHARING OF INFORMATION.—Notwithstanding any other provision of this subtitle, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.

''(6) REGISTRATION INFORMATION.—

''(A) AUTHORITY TO REQUIRE INFORMATION.—The Secretary may require a person applying for a registration number under this subtitle to submit such information as may be necessary to carry out the requirements of this section.

''(B) REQUIREMENT TO UPDATE INFORMATION.—The Secretary may require persons issued a registration under this subtitle to update registration information submitted to the Secretary under this subtitle, as appropriate.

''(7) RE-CHECKS AGAINST TERRORIST SCREENING DATABASE.—

''(A) RE-CHECKS.—The Secretary shall, as appropriate, recheck persons provided a registration number pursuant to this subtitle against the terrorist screening database of the Department, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.

''(B) NOTICE OF REVOCATION.—The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).

''SEC. 899C. INSPECTION AND AUDITING OF RECORDS.

''The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with this subtitle or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.

''SEC. 899D. ADMINISTRATIVE PROVISIONS.

''(a) COOPERATIVE AGREEMENTS.—The Secretary—

''(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this subtitle; and

''(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this subtitle.

''(b) DELEGATION.—

''(1) AUTHORITY.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this subtitle.

''(2) DELEGATION REQUIRED.—At the request of a Governor of a State, the Secretary shall delegate to that State the authority to carry out functions under sections 899B and 899C, if the Secretary determines that the State is capable of satisfactorily carrying out such functions.

''(3) FUNDING.—Subject to the availability of appropriations, if the Secretary delegates functions to a State under this subsection, the Secretary shall provide to that State sufficient funds to carry out the delegated functions.

''(c) PROVISION OF GUIDANCE AND NOTIFICATION MATERIALS TO AMMONIUM NITRATE FACILITIES.—

''(1) GUIDANCE.—The Secretary shall make available to each owner of an ammonium nitrate facility registered under section 899B(c)(1) guidance on—

''(A) the identification of suspicious ammonium nitrate purchases or transfers or attempted purchases or transfers;

''(B) the appropriate course of action to be taken by the ammonium nitrate facility owner with respect to such a purchase or transfer or attempted purchase or transfer, including—

''(i) exercising the right of the owner of the ammonium nitrate facility to decline sale of ammonium nitrate; and

''(ii) notifying appropriate law enforcement entities; and

''(C) additional subjects determined appropriate to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

''(2) USE OF MATERIALS AND PROGRAMS.—In providing guidance under this subsection, the Secretary shall, to the extent practicable, leverage any relevant materials and programs.

''(3) NOTIFICATION MATERIALS.—

''(A) IN GENERAL.—The Secretary shall make available materials suitable for posting at locations where ammonium nitrate is sold.

''(B) DESIGN OF MATERIALS.—Materials made available under subparagraph (A) shall be designed to notify prospective ammonium nitrate purchasers of—

''(i) the record-keeping requirements under section 899B; and

''(ii) the penalties for violating such requirements.

''SEC. 899E. THEFT REPORTING REQUIREMENT.

''Any person who is required to comply with section 899B(e) who has knowledge of the theft or unexplained loss of ammonium nitrate shall report such theft or loss to the appropriate Federal law enforcement authorities not later than 1 calendar day of the date on which the person becomes aware of such theft or loss. Upon receipt of such report, the relevant Federal authorities shall inform State, local, and tribal law enforcement entities, as appropriate.

''SEC. 899F. PROHIBITIONS AND PENALTY.

''(a) PROHIBITIONS.—

''(1) TAKING POSSESSION.—No person shall purchase ammonium nitrate from an ammonium nitrate facility unless such person is registered under subsection (c) or (d) of section 899B, or is an agent of a person registered under subsection (c) or (d) of that section.

''(2) TRANSFERRING POSSESSION.—An owner of an ammonium nitrate facility shall not transfer possession of ammonium nitrate from the ammonium nitrate facility to any ammonium nitrate purchaser who is not registered under subsection (c) or (d) of section 899B, or to any agent acting on behalf of an ammonium nitrate purchaser when such purchaser is not registered under subsection (c) or (d) of section 899B.

''(3) OTHER PROHIBITIONS.—No person shall—

''(A) purchase ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;

''(B) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or

''(C) fail to comply with any requirement or violate any other prohibition under this subtitle.

''(b) CIVIL PENALTY.—A person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $50,000 per violation.

''(c) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

''(1) the nature and circumstances of the violation;

''(2) with respect to the person who commits the violation, any history of prior violations, the ability to pay the penalty, and any effect the penalty is likely to have on the ability of such person to do business; and

''(3) any other matter that the Secretary determines that justice requires.

''(d) NOTICE AND OPPORTUNITY FOR A HEARING.—No civil penalty may be assessed under this subtitle unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person.

''(e) DELAY IN APPLICATION OF PROHIBITION.—Paragraphs (1) and (2) of subsection (a) shall apply on and after the date that is 6 months after the date that the Secretary issues a final rule implementing this subtitle.

''SEC. 899G. PROTECTION FROM CIVIL LIABILITY.

''(a) IN GENERAL.—Notwithstanding any other provision of law, an owner of an ammonium nitrate facility that in good faith refuses to sell or transfer ammonium nitrate to any person, or that in good faith discloses to the Department or to appropriate law enforcement authorities an actual or attempted purchase or transfer of ammonium nitrate, based upon a reasonable belief that the person seeking purchase or transfer of ammonium nitrate may use the ammonium nitrate to create an explosive device to be employed in an act of terrorism (as defined in section 3077 of title 18, United States Code), or to use ammonium nitrate for any other unlawful purpose, shall not be liable in any civil action relating to that refusal to sell ammonium nitrate or that disclosure.

''(b) REASONABLE BELIEF.—A reasonable belief that a person may use ammonium nitrate to create an explosive device to be employed in an act of terrorism under subsection (a) may not solely be based on the race, sex, national origin, creed, religion, status as a veteran, or status as a member of the Armed Forces of the United States of that person.

''SEC. 899H. PREEMPTION OF OTHER LAWS.

''(a) OTHER FEDERAL REGULATIONS.—Except as provided in section 899G, nothing in this subtitle affects any regulation issued by any agency other than an agency of the Department.

''(b) STATE LAW.—Subject to section 899G, this subtitle preempts the laws of any State to the extent that such laws are inconsistent with this subtitle, except that this subtitle shall not preempt any State law that provides additional protection against the acquisition of ammonium nitrate by terrorists or the use of ammonium nitrate in explosives in acts of terrorism or for other illicit purposes, as determined by the Secretary.

''SEC. 899I. DEADLINES FOR REGULATIONS.

''The Secretary—

''(1) shall issue a proposed rule implementing this subtitle not later than 6 months after the date of the enactment of this subtitle; and

''(2) issue a final rule implementing this subtitle not later than 1 year after such date of enactment.

''SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary—

''(1) $2,000,000 for fiscal year 2008; and

''(2) $10,750,000 for each of fiscal years 2009 through 2012.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by

inserting after the item relating to section 899 the following:

''Subtitle J—Secure Handling of Ammonium Nitrate

''Sec. 899A. Definitions.
''Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.
''Sec. 899C. Inspection and auditing of records.
''Sec. 899D. Administrative provisions.
''Sec. 899E. Theft reporting requirement.
''Sec. 899F. Prohibitions and penalty.
''Sec. 899G. Protection from civil liability.
''Sec. 899H. Preemption of other laws.
''Sec. 899I. Deadlines for regulations.
''Sec. 899J. Authorization of appropriations.''.

SEC. 564. IMPROVEMENT OF BARRIERS AT BORDER. (a) Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) in paragraph (1)—

(i) in the heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles, or other mileage determined by the Secretary, whose authority to determine other mileage shall expire on December 31, 2008, along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create or negate any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(C) in paragraph (4), by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

(b) No funds appropriated in this Act for U.S. Customs and Border Protection ''Border Security Fencing, Infrastructure, and Technology'' may be obligated unless the Secretary of Homeland Security has complied with section 102(b)(2)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) as amended by subsection (a)(2).

SEC. 565. INTERNATIONAL REGISTERED TRAVELER PROGRAM. Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the United States Visitor and Immigrant Status Indicator Technology program, other pre-screening initiatives, and the Visa Waiver Program.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 365 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the United States Visitor and Immigrant Status Indicator Technology entry and exit system, other pre-screening initiatives, and the Visa Waiver Program at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.''.

SEC. 566. SHARED BORDER MANAGEMENT. (a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

SEC. 567. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 568. TRANSPORTATION SECURITY ADMINISTRATION ACQUISITION MANAGEMENT POLICY. (a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 569. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 570. If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University may be included as a member institution of such Center.

SEC. 571. Effective no later than ninety days after the date of enactment of this Act, the Transportation Security Administration shall permit approved members of Registered Traveler programs to satisfy fully the required identity verification procedures at security screening checkpoints by presenting a biometrically-secure Registered Traveler card in lieu of the government-issued photo identification document required of non-participants: Provided, That if their identity is not confirmed biometrically, the standard identity and screening procedures will apply: Provided further, That if the Assistant Secretary (Transportation Security Administration) determines this is a threat to civil aviation, then the Assistant Secretary (Transportation Security Administration) shall notify the Committees on Appropriations of the Senate and House of Representatives five days in advance of such determination and require Registered Travelers to present government-issued photo identification documents in conjunction with a biometrically-secure Registered Traveler card.

SEC. 572. Section 831(a) of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended by striking ''During the 5-year period following the effective date of this Act'' and inserting ''Until September 30, 2008''.

SEC. 573. (a) RESCISSION.—Of amounts previously made available from Federal Emergency Management Agency ''Disaster Relief'' to the State of Mississippi pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, $20,000,000 are rescinded.

(b) APPROPRIATION.—For Federal Emergency Management Agency ''State and Local Programs'', there is appropriated an additional $20,000,000, to remain available until expended, for a grant to the State of Mississippi for an interoperable communications system required in the aftermath of Hurricane Katrina: Provided, That this entire amount is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

TITLE VI

BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Border Infrastructure and Technology Modernization Act of 2007''.

SEC. 602. DEFINITIONS.—In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Homeland Security.

(5) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 603. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.—(a) REQUIREMENT TO UPDATE.—Not later than January 31 of every other year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106–319, accompanying Public Law 106–58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108–86, accompanying Public Law 108–90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to the Committees on Appropriations of the Senate and the House of Representatives, the Senate Committee on Environment and Public Works, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Transportation and Infrastructure, and the House Committee on Homeland Security.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 604; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of U.S. Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 604. NATIONAL LAND BORDER SECURITY PLAN. (a) REQUIREMENT FOR PLAN.—Not later than January 31 of every other year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to the Committees on Appropriations of the Senate and the House of Representatives, the Senate Committee on Environment and Public Works, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, the House Committee on Homeland Security, and the House Committee on the Judiciary.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability, risk, and threat assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish one or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

(d) COORDINATION WITH THE SECURE BORDER INITIATIVE.—The plan required under subsection (a) shall include a description of activities undertaken during the previous year as part of the Secure Border Initiative and actions planned for the coming year as part of the Secure Border Initiative.

SEC. 605. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM. (a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than three sites and not more than five sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least one shall be located on the northern border of the United States; and

(B) at least one shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that one of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, one port of entry selected as a demonstration site may—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Senate Committee on Environment and Public Works, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Transportation and Infrastructure, and the House Committee on Homeland Security a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout U.S. Customs and Border Protection.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS. (a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out this title for fiscal years 2009 through 2013.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

This division may be cited as the ''Department of Homeland Security Appropriations Act, 2008''.

DIVISION F—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management,

including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $867,463,000, to remain available until expended, of which not to exceed $91,629,000 is available for oil and gas management; and of which $1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $2,900,000 shall be available in fiscal year 2008 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $25,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $4,000 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $34,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $867,463,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,476,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $9,081,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,242,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $820,878,000, to remain available until expended, of which not to exceed $6,234,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That Public Law 110–116, division B, section 157(b)(2) is amended by inserting after ''to other accounts'' the phrase ''and non-suppression budget activities''.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Section 28 of title 30, United States Code, is amended: (1) in section 28 by striking the phrase ''shall commence at 12 o'clock meridian on the 1st day of September'' and inserting ''shall commence at 12:01 ante meridian on the first day of September''; (2) in section 28f(a), by striking the phrase ''for years 2004 through 2008''; and (3) in section 28g, by striking the phrase ''and before September 30, 2008,''.

Sums not to exceed one percent of the total value of procurements received by the Bureau of Land Management from vendors under enterprise information technology-procurements that the Department of the Interior and other Federal Government agencies may use to order information technology hereafter may be deposited into the Management of Lands and Resources account to offset costs incurred in conducting the procurement.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,099,772,000, to remain available until September 30, 2009 except as otherwise provided herein: Provided, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $18,263,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $9,926,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2007: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $33,688,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $35,144,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $1,750,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $75,001,000, to remain available until expended, of which $25,228,000 is to be derived from the Cooperative Endangered Species Conservation Fund, $5,066,666 of which shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $49,773,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,202,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,646,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $4,500,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $8,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000, to remain available until expended: Provided, That of the amount provided herein, $6,282,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $11,282,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: Provided further, That any amount apportioned in 2008 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2009, shall be reapportioned, together with funds appropriated in 2010, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,001,809,000, of which $9,965,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $101,164,000, to remain available until September 30, 2009, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $3,000,000 shall be for the Youth Conservation Corps for high priority projects.

CENTENNIAL CHALLENGE

For expenses necessary to carry out provisions of section 814(g) of Public Law 104–333 relating to challenge cost share agreements, $25,000,000,

to remain available until expended for Centennial Challenge signature projects and programs: Provided, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, in-kind services, or a pledge of donation guaranteed by an irrevocable letter of credit.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $68,481,000, of which not to exceed $7,500,000 may be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: Provided, That any individual Preserve America grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant: Provided further, That grants shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations, and in consultation with the Advisory Council on Historic Preservation prior to the commitment of grant funds.

HISTORIC PRESERVATION FUND

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $71,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2009; of which $25,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: Provided, That any individual Save America's Treasures grant shall be matched by non-Federal funds; individual projects shall only be eligible for one grant; and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $221,985,000, to remain available until expended: Provided, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: Provided further, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation: Provided further, That of the funds made available under this heading, not to exceed $3,800,000 is authorized to be used for the National Park Service's proportionate cost of upgrading the West Yellowstone/Hebgen Basin (Gallatin County, Montana) municipal solid waste disposal system for the processing and disposal of municipal solid waste generated within Yellowstone National Park: Provided further, That future fees paid by the National Park Service to the West Yellowstone/Hebgen Basin Solid Waste District will be restricted to operations and maintenance costs of the facility, given the capital contribution made by the National Park Service.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2008 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $70,070,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $25,000,000 is for the State assistance program.

ADMINISTRATIVE PROVISIONS

For fiscal year 2008 and hereafter, if the Secretary of the Interior, or either party to a value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, considers that the value determination decision issued pursuant to the proceeding misinterprets or misapplies relevant contractual requirements or their underlying legal authority, the Secretary or either party may seek, within 180 days of any such decision, the de novo review of the value determination decision by the United States Court of Federal Claims. This court may make an order affirming, vacating, modifying or correcting the determination decision.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

A willing seller from whom the Service acquires title to real property may be considered a ''displaced person'' for purposes of the Uniform Relocation Assistance and Real Property Acquisition Policy Act and its implementing regulations, whether or not the Service has the authority to acquire such property by eminent domain.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), related to the National Park System Advisory Board, is amended in the first sentence by striking ''2007'' and inserting ''2009''.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,022,430,000, to remain available until September 30, 2009, of which $63,845,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; and of which $8,023,000 shall be available until expended for deferred maintenance and capital improvement projects: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $157,202,000, to remain available until September 30, 2009, of which $82,371,000 shall be available for royalty management activities; and an amount not to exceed $135,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993 that the Secretary of the Interior shall collect in fiscal year 2008 and retain and use for the necessary expenses of this appropriation: Provided, That to the extent

$135,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $135,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal years 2008 through 2010 may retain up to three percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,403,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The eighth proviso under the heading of ''Minerals Management Service'' in division E, title I, of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended by inserting ''and Indian accounts'' after ''States'', replacing the term ''provision'' with ''provisions'', and inserting ''and (d)'' after 30 U.S.C. 1721(b).

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2008 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $120,237,000, to remain available until September 30, 2009: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2008 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $52,774,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,080,261,000, to remain available until September 30, 2009 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; and of which not to exceed $80,179,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $149,628,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2008, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $487,500,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2008, and shall remain available until September 30, 2009; and of which not to exceed $60,222,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,060,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2007 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to grantees that enter into grants for the operation on or after July 1, 2007, of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2009, may be transferred during fiscal year 2010 to an Indian forest land assistance account established for the benefit of the holder of the funds within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2010.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $206,983,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2008, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: Provided further, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 107–331, 108–447, 109–379, and 109–479, and for implementation of other land and water rights settlements, $34,069,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,276,000, of which $700,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $85,506,098.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations and regional offices) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding 25 U.S.C. 2007(d), and implementing regulations, the funds reserved from the Indian Student Equalization Program to meet emergencies and unforeseen contingencies affecting education programs appropriated herein and in Public Law 109–54 may be used for costs associated with significant student enrollment increases at Bureau-funded schools during the relevant school year.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $101,151,000; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $78,613,000, of which: (1) $70,137,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $8,476,000 shall be available until September 30, 2009 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,362,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $59,250,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $44,572,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $182,331,000, to remain available until expended, of which not to exceed $56,384,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2008, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,000,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Office of the Secretary accounts.

DEPARTMENT-WIDE PROGRAMS

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $232,528,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant

to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,954,000, to remain available until expended: Provided, That hereafter, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That hereafter such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,300,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $40,727,000, to remain available until expended: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 106. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, excluding litigation costs. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 107. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2008. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 108. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 109. The Secretary of the Interior may hereafter use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 110. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Kempthorne litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 111. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Kempthorne to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Kempthorne.

SEC. 112. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 113. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally-operated or federally-financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 114. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the ''To Be'' Model, funds appropriated for fiscal year 2008 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a

self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: Provided further, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

SEC. 115. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 116. Notwithstanding any other provision of law, including 42 U.S.C. 4321 et seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management since March 1, 1997 shall be renewed. The Animal Unit Months, authorized in any nonrenewable grazing permit from March 1, 1997 to present shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the renewed permit beyond the standard 1-year term. The period of this provision will be until all of the grazing permits in the Jarbidge Field Office are renewed after the completion of the Record of Decision for the Jarbidge Resource Management Plan/Final Environmental Impact Statement.

SEC. 117. OIL AND GAS LEASING INTERNET PILOT PROGRAM. Notwithstanding section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C 226(b)(1)(A)), the Secretary of the Interior shall establish an oil and gas leasing Internet pilot program, under which the Secretary may conduct lease sales through methods other than oral bidding. To carry out the pilot program, the Secretary of the Interior may use not more than $250,000 of funds in the BLM Permit Processing Improvement Fund described in section 35(c)(2)(B) of the Mineral Leasing Act (30 U.S.C. 191(c)(2)(B)).

SEC. 118. Notwithstanding any other provision of law, the Secretary of the Interior is directed to sell property within the Protection Island National Wildlife Refuge and the Dungeness National Wildlife Refuge to the Washington State Department of Transportation.

SEC. 119. No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

SEC. 120. Section 460ccc–4 of the Red Rock Canyon National Conservation Area Establishment Act authorization (16 U.S.C. 460ccc) is amended—

(1) in section (a)(1), by striking ''with donated or appropriated funds'';

(2) by striking section (a)(2);

(3) in section (a)(3), by striking ''(3)'' and replacing with ''(2)'';

(4) in section (a)(4), by striking ''(4)'' and replacing with ''(3)''.

SEC. 121. Title 43 U.S.C. 1473 is amended by inserting at the end of that section before the period the following: '', including, in fiscal year 2008 only, contributions of money and services to conduct work in support of the orderly exploration and development of Outer Continental Shelf resources, including but not limited to, preparation of environmental documents such as impact statements and assessments, studies, and related research''.

SEC. 122. Section 1077(c) of Public Law 109–364 is repealed.

SEC. 123. Section 144 of division E of Public Law 108–447, as amended, is amended in paragraph (b)(2) by striking ''November 12, 2004'' and inserting ''May 4, 2005.''

SEC. 124. Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended in clause (ix) by—

(1) striking ''Republic'' both places it appears and inserting ''government, institutions, and people'';

(2) striking ''2007'' and inserting ''2009''; and

(3) striking ''was'' and inserting ''were''.

SEC. 125. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

SEC. 126. The Federal properties commonly referred to as the Barnes Ranch and Agency Lake Ranch (the properties) in Klamath County, Oregon, managed by the Bureau of Reclamation shall be transferred to the Upper Klamath National Wildlife Refuge (Refuge) in accordance with the Memorandum of Understanding between the U.S. Fish and Wildlife Service Klamath Basin National Wildlife Refuge Complex and the Bureau of Reclamation Klamath Basin Area Office and The Nature Conservancy dated March 2, 2007, as expeditiously as possible and no later than December 2008: Provided, That these Federal properties and all Federal refuge lands within the adjusted boundary area for the Refuge, as approved by the U.S. Fish and Wildlife Service (Service) in June 2005 under the Land Protection Plan of 2005, shall be made a part of the Refuge and shall be managed by the Service as such: Provided further, That each year after the properties become part of the Refuge, those increments of water passively stored on the properties shall be applied and credited toward the requirements of any consultation or reconsultation over Klamath Project operations pursuant to section 7 of the Endangered Species Act, consistent with Federal law and State water law.

SEC. 127. CORINTH UNIT OF SHILOH NATIONAL MILITARY PARK BOUNDARY EXPANSION. The Corinth Battlefield Preservation Act of 2000 (16 U.S.C. 430f–6 et seq.) is amended—

(1) in section 3(1) (16 U.S.C. 430f–7(1)), by striking ''304/80,007, and dated October 1998'' and inserting ''304A/80009, and dated April 2007'';

(2) in section 4(b) (16 U.S.C. 430f–8(b)), by striking paragraph (1) and inserting the following:

''(1) approximately 950 acres, as generally depicted on the Map; and'';

(3) in section 5(a) (16 U.S.C. 430f–9(a)), by striking ''as depicted on the Map'' and inserting ''described in section 4(b)'';

(4) by striking section 7 (16 U.S.C. 430f–11); and

(5) by redesignating section 8 (16 U.S.C. 430f–12) as section 7.

SEC. 128. In section 5(8) of Public Law 107–226, strike ''acquire'' and all that follows and insert, ''acquire the land or interests in land for the memorial by donation, purchase with donated or appropriated funds, exchange or condemnation with donated or appropriated funds; and''.

SEC. 129. CLARIFICATION OF CONCESSIONAIRE HISTORIC RIGHTS. (a) In implementing section 1307 of Public Law 96–487 (96 Stat. 2479), the Secretary shall deem Denali National Park Wilderness Centers, Ltd., a corporation organized and existing under the laws of the State of Alaska, to be a person who, on or before January 1, 1979, was engaged in adequately providing the following scope and level of visitor services within what is currently Denali National Park and Preserve:

(1) Guided interpretive hiking services in the Kantishna area new park additions (i.e. park area added in 1980 to former Mount McKinley National Park), not to exceed 14 guided interpretive hikes per week.

(2) Gold panning outings in the Kantishna area new park additions, not to exceed 3 gold panning outings per week.

(3) Guided interpretive trips, including an average of four vehicle trips per day, not to exceed 28 trips per week, into the Old Park (i.e. former Mount McKinley National Park).

(4) Guided and unguided canoeing on Wonder Lake, including the storage of five canoes on Wonder Lake.

(5) Transportation over the road between the north boundary of the Old Park and Wonder Lake, including Wonder Lake Campground, for an average of 10 trips per day not to exceed 70 trips per week.

(b) For purpose of implementing this section, the term ''person'' means the person who has a controlling interest in the entity described under subsection (a) or his lineal descendants born prior to January 1, 1979.

SEC. 130. Section 16 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2913; 114 Stat. 2763A–263)) is amended—

(1) in subsection (c)(3)(B)(iii), by striking ''by requiring'' and all that follows through ''enhancement'' and inserting the following: '', the plan shall provide that not less than ⅓ of the funds referred to in clause (i) shall be expended for municipal or rural water development and that annual expenditures under that provision shall be reported to the Secretary each year''; and

(2) in the third sentence of subsection (f), by striking ''December 31, 2012'' and inserting ''the date that is 5 years after the date of the final settlement of the tribal claims under section 18''.

SEC. 131. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 132. From within amounts provided to the National Park Service Land Acquisition account by this Act, $2,000,000 shall be made available to the State of Mississippi pursuant to a grant agreement with the National Park Service, in order that the State may acquire land or interests in land on Cat Island, which is located within the Gulf Islands National Seashore. Funds provided to the State of Mississippi through such grant agreement shall not be contingent upon matching funds provided by the State. Any lands or interests acquired with funds under this section shall be owned by the federal government and administered as part of the National Seashore.

SEC. 133. MESA VERDE NATIONAL PARK BOUNDARY CHANGE. (a) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire the land or an interest in the land described in

subsection (b) for addition to the Mesa Verde National Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the approximately 360 acres of land adjacent to the Park, as generally depicted on the map, entitled ''Mesa Verde National Park Proposed Boundary Adjustment'', numbered 307/80,180, and dated March 1, 2007.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(d) BOUNDARY MODIFICATION.—The boundary of the Park shall be revised to reflect the acquisition of the land under subsection (a).

(e) ADMINISTRATION.—The Secretary shall administer any land or interest in land acquired under subsection (a)(1) as part of the Park in accordance with the laws (including regulations) applicable to the Park.

SEC. 134. In implementing section 1307 of Public Law 96–487 (4 Stat. 2479), the Secretary shall deem the present holders of entry permit CP–GLBA005–00 and entry permit CP–GLBA004–00 each to be a person who, on or before January 1, 1979, was engaged in adequately providing visitor services of the type authorized in said permit within Glacier Bay National Park.

SEC. 135. Funds provided under Public Law 109–54 may be granted to the Alice Ferguson Foundation for site planning and design and rehabilitation of the Potomac River Habitat Study Complex and the Wareham Lodge.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $772,129,000, to remain available until September 30, 2009.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,364,854,000, to remain available until September 30, 2009, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $41,750,000, to remain available until September 30, 2009.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $34,801,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,273,871,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2007, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,273,871,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,668,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2009, and $26,126,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2009.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, and for construction, alteration, repair, rehabilitation, and renovation of Environmental Protection Agency facilities, not to exceed $85,000 per project, $107,493,000, to remain available until expended, of which $76,493,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $31,000,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally-recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $17,326,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,972,595,000, to remain available until expended, of which $700,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which up to $75,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-municipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $842,167,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $20,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $25,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) not later than October 1, 2005, the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $135,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $95,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $50,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; $10,000,000 shall be for grants for cost-effective emission reduction projects in accordance with the terms and conditions of the explanatory statement accompanying this Act; and $1,095,428,000 shall be for grants, including associated program support costs, to States, federally-recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $10,000,000 shall be for making competitive targeted watershed grants, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for financial assistance to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution

control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2008 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2008, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally-recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2008, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSION OF FUNDS)

For fiscal year 2008, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

From unobligated balances to carry out projects and activities authorized under section 206(a) of the Federal Water Pollution Control Act, $5,000,000 are hereby rescinded.

None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Of the funds provided in the Environmental Programs and Management account, not less than $3,500,000 shall be provided for activities to develop and publish a draft rule not later than 9 months after the date of enactment of this Act, and a final rule not later than 18 months after the date of enactment of this Act, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $290,457,000, to remain available until expended: Provided, That of the funds provided, $61,329,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $266,974,000, to remain available until expended, as authorized by law; of which $7,500,000 is for the International Program; and of which $53,146,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,492,868,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances under this heading available at the start of fiscal year 2008 shall be displayed by budget line item in the fiscal year 2009 budget justification: Provided further, That of the funds provided under this heading for Forest Products, $4,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $456,895,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities, and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205; and in addition $25,000,000 to be transferred from the timber roads purchaser election fund and merged with this account, to remain available until expended: Provided, That $40,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources and for urgently needed road repairs required due to recent storm events: Provided further, That up to $40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2008 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: Provided further, That notwithstanding any other provision of law, the Forest Service shall provide $1,197,000 appropriated in Public Law 110–5 within the Capital Improvement and Maintenance appropriation as an advance direct lump sum payment to West Virginia University for the planning and construction of a research greenhouse facility as the Federal share in the construction of the new facility.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $42,490,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,053,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $56,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,053,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest

System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,974,276,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2007 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $315,000,000 is for hazardous fuels reduction activities, $11,000,000 is for rehabilitation and restoration, $23,892,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $48,727,000 is for State fire assistance, $8,000,000 is for volunteer fire assistance, $14,252,000 is for forest health activities on Federal lands and $10,014,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the explanatory statement accompanying this Act: Provided further, That up to $10,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account at the sole discretion of the Chief of the Forest Service thirty days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $7,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement accompanying this Act.

Not more than $73,285,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $24,021,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $45,000,000, shall be assessed for the purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,018,624,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $588,515,000 for contract medical care, including $27,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That no less than $35,094,000 is provided for maintaining operations of the urban Indian health program: Provided further, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That $14,000,000 is provided for a methamphetamine and suicide prevention and treatment initiative, of which up to $5,000,000 may be used for mental health, suicide prevention, and behavioral issues associated with methamphetamine use: Provided further, That notwithstanding any other provision of law, these funds shall be allocated outside all other distribution methods and formulas at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $271,636,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2008, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $380,583,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account that provided the funding, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $78,775,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,212,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,703,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,410,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, that notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $9,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $7,297,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $571,347,000, of which not to exceed $19,968,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,578,000 for fellowships and scholarly awards shall remain available until September 30, 2009; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $107,100,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

For major restoration, renovation, and rehabilitation of existing Smithsonian facilities, $15,000,000, to remain available until expended: Provided, That funds shall only be available after being matched by no less than $30,000,000 in private donations, which shall not include in-kind contributions: Provided further, That none of the funds made available under this heading or any required matching funds shall be used for day-to-day maintenance, general salaries and expenses, or programmatic purposes.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $101,718,000, of which not to exceed $3,350,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $18,017,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $20,200,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $23,150,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act

of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,000,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $147,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $132,490,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,510,000, to remain available until expended, of which $9,479,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson: Provided further, That section 309(1) of division E, Public Law 108–447, is amended by inserting ''National Opera Fellowship,'' after ''National Heritage Fellowship,''.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,092,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $8,500,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,348,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,265,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $45,496,000, of which $515,000 for the equipment replacement program shall remain available until September 30, 2010; and $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $22,400,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the White House Commission on the National Moment of Remembrance, $200,000, which shall be transferred to the Department of Veterans Affairs, ''Departmental Administration, General Operating Expenses'' account and be administered by the Secretary of Veterans Affairs.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2006.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2008, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts,

or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2007 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 410. Prior to October 1, 2008, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 411. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 412. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 413. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 414. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 415. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2008, not more than $3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2008 for programs, projects, and activities for which funds are appropriated by this Act.

(2) None of the funds made available by this or any other Act may be used in fiscal year 2008 for competitive sourcing studies and any related activities involving Forest Service personnel.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term ''competitive sourcing study'' means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider, no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include all costs attributable to conducting the competitive sourcing competitions and staff work to prepare for competitions or to determine the feasibility of starting competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

(e) In carrying out any competitive sourcing study involving Department of the Interior employees, the Secretary of the Interior shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Department of the Interior to effectively and efficiently fight and manage wildfires.

SEC. 416. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000, regarding the pilot program to enhance Forest Service administration of rights-of-way (as enacted into law by section 1000(a)(3) of Public Law 106–113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking ''2006'' and inserting ''2012''; and

(2) in subsection (b) by striking ''2006'' and inserting ''2012''.

SEC. 417. Section 321 of the Department of the Interior and Related Agencies Appropriations Act, 2003, regarding Forest Service cooperative agreements with third parties that are of mutually significant benefit (division F of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–1 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

SEC. 418. (a) Notwithstanding any other provision of law and until October 1, 2009, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc. and the Council of Athabascan Tribal Governments shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

SEC. 419. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 420. Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3012) is amended by striking ''September 30, 2006'' and inserting ''September 30, 2008''.

SEC. 421. Section 339 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3103) is amended—

(1) by striking ''2005 through 2007'' and inserting ''2005 through 2008''; and

(2) by adding at the end the following new sentence: ''The categorical exclusion under this section shall not apply with respect to any allotment in a federally designated wilderness area.''.

SEC. 422. A permit fee collected during fiscal year 2007 by the Secretary of Agriculture under the Act of March 4, 1915 (16 U.S.C. 497) for a marina on the Shasta-Trinity National Forest shall be deposited in a special account in the Treasury established for the Secretary of Agriculture, and shall remain available to the Secretary of Agriculture until expended, without further appropriation, for purposes stated in section 808(a)(3)(A–D) of title VIII of division J of Public Law 108–447 (16 U.S.C. 6807), and for direct operating or capital costs associated with the issuance of a marina permit.

SEC. 423. The Forest Service shall allocate to the Regions of the Forest Service, $15,000,000 from the current balance in the ''timber roads purchaser election fund'', to remain available until expended, for the following purposes: vegetative treatments in timber stands at high risk of fire due to insect, disease, or drought; road work in support of vegetative treatments to support forest health objectives; and maintaining infrastructure for the processing of woody fiber in Regions where it is critical to sustaining local economies and fulfilling the forest health objectives of the Forest Service.

SEC. 424. (a) LAND SALE AUTHORIZATION.—To offset the acreage acquired by the Federal Government upon the acquisition of the Elkhorn Ranch in Medora, North Dakota, the Secretary of Agriculture (in this section referred to as the ''Secretary'') shall sell all right, title, and interest of the United States to between 5,195 or 5,205 acres of National Forest System lands located in Billings County, North Dakota. It is the intent of Congress that there will be no net gain in federally owned land in North Dakota as a result of these land conveyances.

(b) LAND SALES.—The Secretary may prescribe reservations, terms, and conditions of sale under this section, and may configure the descriptions of the land to be sold under this section to enhance the marketability of the land or for management purposes. The Secretary may utilize brokers or other third parties in the sale of land and, from the proceeds of the sale, may pay reasonable commissions or fees for services rendered.

(c) CONSIDERATION.—As consideration for the purchase of land sold under this section, the purchaser shall pay to the Secretary an amount, in cash, equal to the fair market value of the land, as determined by the Secretary by appraisal or competitive sale consistent with Federal law applicable to land sales. The Secretary may reject any offer made under this section if the Secretary determines, in the absolute discretion of the Secretary, that the offer is not adequate or not in the public interest;

(d) INITIAL OFFER.—Under such terms, conditions, and procedures as the Secretary may prescribe, any base property landowner holding a current permit to graze any land authorized for sale under this section shall have a non-assignable first right to buy the land, provided that right must be exercised within 6 months after the date of the offer from the Secretary;

(e) TREATMENT OF PROCEEDS.—Using the proceeds from the sale of land under this section, the Secretary shall cover direct expenses incurred by the Secretary in conducting the sale. Any remaining proceeds shall be deposited into the fund established by the Act of December 4, 1967 (commonly known as the Sisk Act; 16 U.S.C. 484a), and shall be available, until expended, for the acquisition of land for inclusion in the National Forest System.

(f) LAND TRANSFERS.—The lands are to be conveyed from fiscal years 2008 to 2009. In the conveyance of any land authorized by this section, the Secretary shall not be required to conduct additional environmental analysis, including heritage resource analysis, and no sale, offer to sell, or conveyance shall be subject to administrative appeal.

(g) ELKHORN RANCH.—The grazing land lease terms in effect on the date of the enactment of this Act relating to the acquired Elkhorn Ranch in Medora, North Dakota, shall remain in effect until December 31, 2009. After that date, Federal land grazing use of the Elkhorn Ranch shall be managed through the grazing agreement between the Medora Grazing Association and the Forest Service. The Animal Unit Months (AUMs) for both Federal and private lands encompassing the Elkhorn Ranch shall become part of the grazing agreement held by Medora Grazing Association to be reallocated to its members in accordance with their rules in effect as of the date of the enactment of this Act.

(h) The multiple uses of the acquired Elkhorn Ranch shall continue.

SEC. 425. In fiscal year 2008 and thereafter, the Forest Service shall not change the eligibility requirements for base property, and livestock ownership as they relate to leasing of base property and shared livestock agreements for grazing permits on the Dakota Prairie Grasslands that were in effect as of July 18, 2005.

SEC. 426. The Arts and Artifacts Indemnity Act (Public Law 94–158) is amended—

(1) in section 3(a) by striking ''(B) the exhibition of which is'' and inserting in lieu thereof ''(B) in the case of international exhibitions,''; and

(2) in section 5(b), by inserting before the period ''for international exhibitions, and $5,000,000,000 at any one time for domestic exhibitions''; and

(3) in section 5(c), by inserting before the period ''for international exhibitions, or $750,000,000 for domestic exhibitions''.

SEC. 427. In accordance with authorities available in section 428, of Public Law 109–54, the Secretary of Agriculture and the Secretary of the Interior shall execute an agreement that transfers management and oversight of the Great Onyx, Harper's Ferry, and Oconaluftee Job Corps Centers to the Forest Service. These Job Corps centers shall continue to be administered as described in section 147(c) of Public Law 105–220, Workforce Investment Act of 1998.

SEC. 428. The United States Department of Agriculture, Forest Service shall seek to collaborate with stakeholders or parties in Sierra Forest Legacy, et al v. Weingardt, et al, Civil No. C 07–001654 (E.D. Cal.), and Sierra Club, et al v. Bosworth, et al, Civil No. C 05–00397 (N.D. Cal.), regarding harvest operations outside of the Giant Sequoia National Monument in relation to the decisions approving the Revised Ice Timber Sale and Fuels Reduction Project and the Frog Project, and taking into account the terms of the contracts for those projects, and in relation to the Record of Decision for the Kings River Project, and as appropriate in regard to other disputed fuel reduction projects in the area.

SEC. 429. (a) IN GENERAL.—Section 636 of division A of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note; Public Law 104–208), is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''or'';

(B) in paragraph (2), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(3) a temporary fire line manager.''; and

(2) in subsection (c)—

(A) in paragraph (3), by striking '', and'' and inserting a semicolon;

(B) in paragraph (4)(B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) notwithstanding the definition of the terms 'supervisor' and 'management official' under section 7103(a) of title 5, United States Code, the term 'temporary fire line manager' means an employee of the Forest Service or the Department of the Interior, whose duties include, as determined by the employing agency—

''(A) temporary supervision or management of personnel engaged in wildland or managed fire activities;

''(B) providing analysis or information that affects a decision by a supervisor or manager about a wildland or managed fire; or

(C) directing the deployment of equipment for a wildland or managed fire.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 430. GLOBAL CLIMATE CHANGE. (a) The Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods, droughts, and wildfires;

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) It is the sense of the Congress that there should be enacted a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that: (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

SEC. 431. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the ''ENERGY STAR'' or ''Federal Energy Management Program'' designation, except in instances where the agency determines that ENERGY STAR or FEMP designated light bulbs are not cost-effective over the life of the light bulbs or are not reasonably available to meet the functional requirements of the agency.

SEC. 432. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

SEC. 433. None of the funds made available by this Act shall be used to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to section 369(d) of the Energy Policy Act of 2005 (Public Law 109–58) or to conduct an oil shale lease sale pursuant to subsection 369(e) of such Act.

SEC. 434. Section 401 of the Herger-Feinstein Quincy Library Group Forest Recovery Act, Public Law 105–277, division A, §101(e) [title IV], 112 Stat. 2681–305, is amended—

(1) In section (g) by striking ''until'' and all that follows and inserting ''until September 30, 2012.'';

(2) By deleting section (i) and inserting: ''By June 1, 2008, the Forest Service shall initiate a collaborative process with the Plaintiffs in Sierra Nevada Forest Prot. Campaign v. Rey, Case No. CIV–S–05–0205 MCE/GGH (E.D. Cal.), appeal docketed sub nom. Sierra Forest Legacy v. Rey, No. 07–16892 (9th Cir. Oct. 23, 2007) and the Quincy Library Group to determine whether modifications to the Pilot Project are appropriate for the remainder of the Pilot Project.''; and

(3) By adding at the end the following:

''(m) Sections 104–106 of Public Law 108–148 shall apply to projects authorized by this Act.''.

SEC. 435. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, $8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

SEC. 436. In addition to amounts provided to the Environmental Protection Agency in this Act, the Oklahoma Department of Environmental Quality is provided the amount of $3,000,000 for a grant to the Oklahoma Department of Environmental Quality for ongoing relocation assistance as administered by the Lead Impacted Communities Relocation Assistance Trust and as conducted consistent with the use of prior unexpended funding for relocation assistance, including buy outs of properties, in accordance with section 2301 of Public Law 109–234 (120 Stat. 455–466).

SEC. 437. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 1.56 percent of the budget authority provided for fiscal year 2008 for any discretionary appropriation in titles I through IV of this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading ''Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians'', the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2008, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

TITLE V

WILDFIRE SUPPRESSION EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $78,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression: Provided further, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $222,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: Provided further, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

This division may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008''.

DIVISION G—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998 (''WIA''), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,608,349,000, plus reimbursements, is available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:

(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;

(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and

(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009:

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, $477,873,000 as follows:

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $6,300,000 shall be available on October 1, 2007, of which $63,792,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: Provided, That up to $125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That $2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;

(B) $53,696,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;

(C) $81,085,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $75,610,000 for formula grants (of which not less that 70 percent shall be for employment and training services), $4,975,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: Provided, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and

(E) $60,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;

(3) for national activities, $135,966,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:

(A) $49,370,000 for Pilots, Demonstrations, and Research, of which $5,000,000 shall be for grants to address the employment and training needs of young parents (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the WIA): Provided, That funding provided to carry out projects under section 171 of the WIA that are identified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $74,800,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D), of which not less than $55,000,000 shall be for youthful offender activities: Provided, That $50,000,000 shall be available from program year 2007 and program year 2008 funds for competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) $4,921,000 for Evaluation under section 172 of the WIA; and

(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.

Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,000 are rescinded.

Of the unexpended balances remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2005 and 2006 to carry out the Youth, Adult and Dislocated Worker formula programs under the Workforce Investment Act, $250,000,000 are rescinded: Provided, That the Secretary of Labor may, upon the request of a State, apply any portion of the State's share of this rescission to funds otherwise available to the State for such programs during program year 2007: Provided further, That notwithstanding any provision of such Act, the Secretary may waive such requirements as may be necessary to carry out the instructions relating to this rescission in House Report 110–424.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $530,900,000, which shall be available for the period July 1, 2008 through June 30, 2009.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $90,517,000, together with not to exceed $3,233,436,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $2,497,770,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act, the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) $9,900,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) $32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $52,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) $14,649,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

Provided, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $88,451,000, together with not to exceed $86,936,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $141,790,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $426,351,000, together with $2,058,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $102,000,000 are rescinded.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and

benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.

(3) For periodic roll management and medical review, $14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health (''NIOSH'') for the administration of the Energy Employees Occupational Illness Compensation Program (''EEOICP''), the Secretary shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund, for use by or in support of the Advisory Board on Radiation and Worker Health (''the Board'') to carry out its statutory responsibilities under the EEOICP, including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration ''Salaries and Expenses''; not to exceed $24,785,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $335,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $494,641,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007 to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: Provided further, That such grants shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office and Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $339,862,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams, and $1,184,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room,

board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $476,861,000, together with not to exceed $77,067,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $296,756,000, of which $82,516,000 is for the Bureau of International Labor Affairs (including $5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $20,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $308,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,626,855,000, plus reimbursements, as follows:

(1) $1,485,357,000 for Job Corps Operations, of which $894,357,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;

(2) $112,920,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $12,920,000 is available for the period July 1, 2008 through June 30, 2011 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and

(3) $28,578,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:

Provided, That the Office of Job Corps shall have contracting authority: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below the current level of 44,491 in program year 2008.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $200,631,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100–4113, 4211–4215, and 4321–4327 of title 38, United States Code, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $31,522,000, of which $7,482,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $70,072,000, together with not to exceed $5,641,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. After September 30, 2007, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than $110) that each of its employees of the National Capital Region is eligible to receive.

SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 107. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: Provided, That the preceding limitation shall not apply to multi-year grants awarded prior to June 30, 2007.

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 112. (a) Not later than June 20, 2008, the Secretary of Labor shall propose regulations pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977, consistent with the recommendations of the Technical Study Panel established pursuant to section 11 of the Mine Improvement and New Emergency Response (MINER) Act (Public Law 109–236), to require that in any coal mine, regardless of the date on which it was opened, belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary. Further, a mine ventilation plan incorporating the use of air coursed through belt haulage entries to ventilate active working places shall not be approved until the Assistant Secretary has reviewed the elements of the plan related to the use of belt air and determined that the plan at all times affords at least the same measure of protection where belt haulage entries are not used to ventilate working places. The Secretary shall finalize the regulations not later than December 31, 2008.

(b) Not later than June 15, 2008, the Secretary of Labor shall propose regulations pursuant to section 315 of the Federal Coal Mine Health and Safety Act of 1969, consistent with the recommendations of the National Institute for Occupational Safety and Health pursuant to section 13 of the MINER Act (Public Law 109–236), requiring rescue chambers, or facilities that afford at least the same measure of protection, in underground coal mines. The Secretary shall finalize the regulations not later than December 31, 2008.

SEC. 113. None of the funds appropriated in this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

SEC. 114. (a) In this section:

(1) The term ''covered funds'' means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) The term ''professional municipal services'' means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

This title may be cited as the ''Department of Labor Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $6,978,099,000, of which $309,889,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: Provided, That of the funds made available under this heading, $160,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: Provided further, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That of the funds made available under this heading, $305,315,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That of the funds available under this heading, $1,854,800,000 shall remain available to the Secretary of Health and Human Services through September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act: Provided further, That within the amounts provided for part A of title XXVI of the Public Health Service Act, funds shall be made available to qualifying jurisdictions, within 45 days of enactment, for increasing supplemental grants for fiscal year 2008 to metropolitan areas that received grant funding in fiscal year 2007 under subparts I and II of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under part A for fiscal year 2007, together with the amount of this additional funding, is not less than 86.6 percent of the amount of such area's total funding under part A for fiscal year 2006: Provided further, That, notwithstanding section 2603(c)(1) of the Public Health Service Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2007, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: Provided further, That $808,500,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $100,937,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: Provided further, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: Provided further, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of this Act and associated administrative expenses: Provided further, That notwithstanding section 747(e)(2) of the PHS Act, not less than $5,000,000 shall be for general dentistry programs, not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: Provided further, That of the funds available under this heading, $9,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,898,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $5,500,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the

Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,156,541,000, of which $56,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $568,803,000 shall remain available until expended for the Strategic National Stockpile; of which $27,215,000 shall be available for public health improvement activities specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); of which $121,541,000 for international HIV/AIDS shall remain available until September 30, 2009; and of which $109,000,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: Provided, That of this amount, $56,500,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act). In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $113,636,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $48,523,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $94,969,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: Provided further, That not to exceed $18,929,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single contract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That out of funds made available under this heading for domestic HIV/AIDS testing, up to $30,000,000 shall be for States eligible under section 2625 of the Public Health Service Act as of December 31, 2007 and shall be distributed by May 31, 2008 based on standard criteria relating to a State's epidemiological profile, and of which not more than $1,000,000 may be made available to any one State, and any amounts that have not been obligated by May 31, 2008 shall be used to make grants authorized by other provisions of the Public Health Service Act to States and local public health departments for HIV prevention activities.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,890,525,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,974,900,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $396,632,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,736,199,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,571,353,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,641,746,000: Provided, That $300,000,000 may be made available to International Assistance Programs ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: Provided further, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,970,228,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,277,017,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $678,978,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $653,673,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,065,881,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $517,629,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $401,146,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $139,920,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $444,016,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,018,493,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,429,466,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $495,434,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $303,955,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,169,884,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $123,739,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $203,117,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $67,741,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $326,669,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,128,819,000, of which up to $25,000,000 shall be used to carry out section 215 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That $112,872,000 shall be available for continuation of the National Children's Study: Provided further, That $504,420,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the National Institutes of Health: Provided further, That the Office of AIDS Research within the Office of the Director of the National Institutes of Health may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $121,081,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,291,543,000, of which $19,120,000 shall be available for the projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $17,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs: Provided further, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 937(c) of the Public Health Service Act shall not exceed $334,564,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,445,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,207,690,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $45,000,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That $193,000,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $5,007,000 shall be available for the projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under section 2604(a)–(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $2,015,206,000.

For making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $596,379,000, notwithstanding the designation requirement of section 2602(e) of such Act: Provided, That of the amount provided by this paragraph, $250,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $667,288,000, of which up to $9,988,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,098,746,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be for the

Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. chapter 9), the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,129,990,000, of which $4,400,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: Provided, That $7,000,270,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: Provided further, That $705,451,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $17,720,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,370,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,350,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $110,836,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: Provided further, That $17,301,000 shall be available for the projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $64,437,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 and section 398 of the Public Health Service Act, $1,438,567,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $6,431,000 shall be available for the projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $355,518,000, together with $5,792,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,892,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request: Provided further, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4): Provided further, That $4,138,000 shall be available for the projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $65,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $42,402,000: Provided, That in addition to amounts provided herein, $18,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $44,000,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $31,628,000, together with not to exceed $3,281,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $666,087,000, of which not to exceed $21,804,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act, and of which $103,921,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, $76,139,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:

(1) The Secretary of Health and Human Services (in this section referred to as the ''Secretary of HHS'') may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the ''Director of NIH'') may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the NIH may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act.

SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention (''CDC'') and the Agency for Toxic Substances and Disease Registry (''ATSDR)'' may be transferred to ''Disease Control, Research, and Training'', to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 217. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 219. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.

(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.

(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.

SEC. 220. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 221. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 222. None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

SEC. 223. There is hereby established in the Treasury of the United States a fund to be known as the ''Nonrecurring expenses fund'' (the Fund): Provided, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Health and Human Services by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: Provided further, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for capital acquisition necessary for the operation of the Department, including facilities infrastructure and information technology infrastructure, subject to approval by the Office of Management and Budget: Provided further, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

(RESCISSION OF FUNDS)

SEC. 224. Of the funds available within the Health Professions Student Loan program authorized in subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Service Act, $15,000,000 are rescinded.

SEC. 225. (a) CONTINUATION OF AVAILABILITY OF PERMITTED NUMBER OF MEDICAL RESIDENCY POSITIONS UNDER THE MEDICARE PROGRAM.—Section 1886(h)(4)(H) of the Social Security Act (42 U.S.C. Section 1395ww(h)(4)(H)) is amended by adding at the end the following:

''(v) SPECIAL PROVIDER AGREEMENT.—If an entity enters into a provider agreement pursuant to section 1866(a) to provide hospital services on the same physical site previously used by Medicare Provider No. 05–0578—

''(I) the limitation on the number of total full time equivalent residents under subparagraph (F) and clauses (v) and (vi)(I) of subsection (d)(5)(B) applicable to such provider shall be equal to the limitation applicable under such provisions to Provider No. 05–0578 for its cost reporting period ending on June 30, 2006; and

''(II) the provisions of subparagraph (G) and subsection (d)(5)(B)(vi)(II) shall not be applicable to such provider for the first three cost reporting years in which such provider trains residents under any approved medical residency training program.''.

(b) TECHNICAL CORRECTION OF SECTION 422 OF MMA.—

(1) IN GENERAL.—Section 1886(h)(7) of the Social Security Act (42 U.S.C. 1395ww(h)(7)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) ADJUSTMENT BASED ON SETTLED COST REPORT.—In the case of a hospital with a dual accredited osteopathic and allopathic family practice program for which—

''(i) the otherwise applicable resident limit was reduced under subparagraph (A)(i)(I); and

''(ii) such reduction was based on a reference resident level that was determined using a cost report and where a revised or corrected notice of program reimbursement was issued for such cost report between September 1, 2006 and September 15, 2006, whether as a result of an appeal or otherwise, and the reference resident level under such settled cost report is higher than the level used for the reduction under subparagraph (A)(i)(I);

the Secretary shall apply subparagraph (A)(i)(I) using the higher resident reference level and make any necessary adjustments to such reduction. Any such necessary adjustments shall be effective for portions of cost reporting periods occurring on or after July 1, 2005.''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendments made by paragraph (1) shall take effect as if included in the enactment of section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

(c) OFFSETTING COSTS.—

(1) IN GENERAL.—The amount of funds available to the Physician Assistance and Quality Initiative Fund for expenditures—

(A) under the first sentence of section 1848(l)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)(A)) is reduced by $500,000; and

(B) under the first amount in the second sentence of such section is reduced by $24,500,000.

(2) CONFORMING AMENDMENTS.—Section 1848(l)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)(A)) is amended—

(A) in the first sentence, by inserting after ''$1,350,000,000'' the following: '', as reduced by section 524 and section 225(c)(1)(A) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008)''; and

(B) in the second sentence, by inserting after ''$325,000,000'' the following: '', as reduced by section 225(c)(1)(B) of such Act,''.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2008''.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $15,755,083,000, of which $7,639,035,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $7,934,756,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $6,835,271,000 shall be for basic grants under section 1124: Provided further, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That $2,967,949,000 shall be for targeted grants under section 1125: Provided further, That $2,967,949,000 shall be for education finance incentive grants under section 1125A: Provided further, That $9,330,000 shall be to carry out sections 1501 and 1503: Provided further, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,262,778,000, of which $1,125,192,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $65,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,383,119,000, of which $3,763,355,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That $58,129,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $33,707,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That $2,400,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $121,690,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), $1,003,040,000: Provided, That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That $357,059,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $100,573,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided further, That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: Provided further, That of the funds available for part B of title V, the Secretary shall use up to $24,783,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than $190,000,000 to carry out other activities authorized under subpart 1.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $705,733,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: Provided, That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,519,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,500,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (''Project SERV'') program to provide education-related services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That Project SERV funds appropriated in previous fiscal years may be used to provide services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $150,729,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $12,072,000 may be used to carry out section 2345 and $2,950,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $712,848,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (''IDEA'') and the Special Olympics Sport and Empowerment Act of 2004, $12,181,473,000, of which $5,084,406,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $6,856,444,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: Provided further, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: Provided further, That $7,500,000 shall be available to support the 2009 Special Olympics World Winter Games.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,283,929,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That $3,155,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $22,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $60,757,000, of which $1,705,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $115,400,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA'') and title VIII–D of the Higher Education Amendments of 1998, $1,976,166,000, of which $4,077,000 shall become available on October 1, 2007 and remain available until September 30, 2009, of which $1,181,089,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: Provided, That of the amount provided for Adult Education State Grants, $67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,583,000 shall be for the National Institute for Literacy under section 242: Provided further, That $81,532,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2007, and shall remain available through September 30, 2009, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2008, and remain available through September 30, 2009, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING RESCISSION)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $16,114,317,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,241.

Of the unobligated funds available under section 401A(e)(1)(C) of the Higher Education Act of 1965, $525,000,000 are rescinded.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $708,216,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,057,801,000: Provided, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: Provided further, That $620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: Provided further, That $100,668,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

HOWARD UNIVERSITY

For partial support of Howard University, $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $481,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, $188,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $555,815,000, of which $293,155,000 shall be available until September 30, 2009: Provided, That of the amount available to carry out section 208 of the Educational Technical Assistance Act, up to $5,000,000 may be used for State data coordinators and for awards to entities, including entities other than States, to improve data coordination.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $418,587,000, of which $2,100,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,205,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $51,753,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement,

or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 60 days after the enactment of this Act, the Secretary of Education shall implement procedures—

(1) to assess whether a covered individual or entity has a potential financial interest in, or impaired objectivity towards, a product or service purchased with, or guaranteed or insured by, funds administered by the Department of Education or a contracted entity of the Department; and

(2) to disclose the existence of any such potential financial interest or impaired objectivity.

(b) REVIEW BY INSPECTOR GENERAL.—

(1) Within 60 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.

(2) Within 1 year, the Inspector General shall conduct at least 1 review to ensure that such procedures are properly implemented and are effective to uncover and disclose the existence of potential financial interests or impaired objectivity described in subsection (a).

(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or impaired objectivity.

(c) DEFINITION.—For purposes of this section, the term ''covered individual or entity'' means—

(1) an officer or professional employee of the Department of Education;

(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;

(3) a member of a peer review panel of the Department; or

(4) a consultant or advisor to the Department.

SEC. 307. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965, North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act for fiscal years 2008 and 2009.

(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section for fiscal years 2008 and 2009 if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

SEC. 308. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 that existed on October 1, 2007. With respect to an entity with which the Secretary of Education had a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 on October 1, 2007 that is not cost neutral, if the Secretary terminates such agreement on or after January 1, 2008, the Secretary of Education shall, not later than March 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.

SEC. 309. Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965, the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Northern District of New York on February 21, 2001, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an ''institution of higher education'' under section 102 of that Act.

(RESCISSION OF FUNDS)

SEC. 310. Of the unobligated balances available under the Federal Direct Student Loan Program Administration authorized by section 458 of the Higher Education Act and the Higher Education Reconciliation Act of 2005, $25,000,000 are rescinded.

SEC. 311. The Secretary of Education shall—

(1) deem each local educational agency that received a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a fiscal year 2008 basic support payment for heavily impacted local educational agencies under such section; and

(2) make a payment to such local educational agency under such section for fiscal year 2008.

This title may be cited as the ''Department of Education Appropriations Act, 2008''.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $796,662,000, of which $313,054,000 is to carry out the 1973 Act and $483,608,000 is to carry out the 1990 Act: Provided, That $24,205,000 of the amount provided under this heading shall remain available until September 30, 2009 to carry out subtitle E of the 1990 Act: Provided further, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: Provided further, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: Provided further, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: Provided further, That, for fiscal year 2008 and thereafter, in addition to amounts otherwise provided to the National Service Trust under this heading, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available for grants under the National Service Trust Program under subtitle C of title I of the 1990 Act during such fiscal year may be transferred to the National Service Trust after notice is transmitted to Congress, if such funds are initially obligated before the expiration of their period of availability as provided in this Act: Provided further, That of the amounts provided under this heading: (1) not less than $124,718,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act: Provided further, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act, upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than $55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of such Act; (3) $12,000,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act; and (4) not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi to carry out subtitle E of title I of the 1990 Act.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,964,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $5,932,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

SEC. 403. The Corporation for National and Community Service shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or

employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 404. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for a waiver of application of section 140(c)(2).

SEC. 405. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: Provided, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 406. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

SEC. 407. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 408. Notwithstanding any other provision of law, formula-based grants to States and territories under section 129(a)(1)–(2) of the 1990 Act to operate AmeriCorps programs may be made if the application describes proposed positions into which participants will be placed, the proposed minimum qualifications of such participants, and an assurance that the State will select national service programs for subgrants on a competitive basis, and an assurance that the aforementioned information will be provided for each subgrant awarded prior to the execution of such subgrants.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110–5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149), shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454, $43,800,000: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $8,096,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $268,193,000, of which $18,610,000 shall be available for library, museum and related projects and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $400,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,113,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $256,238,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $12,911,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $10,696,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $7,173,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay

any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $27,000,191,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,781,842,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $26,451,000, together with not to exceed $67,098,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Federal Mediation and Conciliation Service, Salaries and expenses''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''National Mediation Board, Salaries and expenses''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or the fiscal year 2008 budget request.

SEC. 519. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

SEC. 520. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.

SEC. 521. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 522. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 524. Section 1848(l)(2)(A) of the Social Security Act, as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by reducing the dollar amount in the first sentence by $150,000,000.

SEC. 525. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed 6 months.

SEC. 526. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 527. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act.

SEC. 528. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 1.747 percent of the fiscal year 2008 budget authority—

(1) provided for any discretionary account of this Act; and

(2) provided in any advance appropriation for fiscal year 2008 for any discretionary account of this Act made available by any prior fiscal year appropriation Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act, accompanying reports, or explanatory statement for fiscal year 2008 covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) EXCEPTIONS.—This section shall not apply—

(1) to discretionary budget authority that has been designated as described in section 5 (in the matter preceding division A of this consolidated Act); or

(2) to discretionary budget authority made available under title III under the Student Financial Assistance account for the Federal Pell Grants program.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

TITLE VI

NATIONAL COMMISSION ON CHILDREN AND DISASTER

SECTION 601. SHORT TITLE.

This title may be cited as the ''Kids in Disasters Well-being, Safety, and Health Act of 2007''.

SEC. 602. DEFINITIONS.

In this title:

(1) ALL HAZARDS.—The term ''all hazards'' has the meaning given the term ''hazard'' under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5195a), and includes natural disasters, acts of terrorism, and other man-made disasters.

(2) CHILD; CHILDREN.—The terms ''child'' and ''children'' mean an individual or individuals, respectively, who have not attained 18 years of age.

(3) EMERGENCY.—The term ''emergency'' has the meaning given such term under section 102(1) of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122(1)).

(4) MAJOR DISASTER.—The term ''major disaster'' has the meaning given such term under section 102(2) of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122(2)).

SEC. 603. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the ''National Commission on Children and Disasters'' (referred to in this title as the ''Commission'').

SEC. 604. PURPOSES OF COMMISSION.

The purposes of the Commission are to—

(1) conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies;

(2) build upon the evaluations of other entities and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of other commissions, Federal, State, and local governments, or nongovernmental entities, relating to the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies; and

(3) submit a report to the President and Congress on specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies.

SEC. 605. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President;

(2) 1 member, who is of a different political party than that of the member appointed under paragraph (1), shall be appointed by the President;

(3) 2 members shall be appointed by the majority leader of the Senate;

(4) 2 members shall be appointed by the minority leader of the Senate;

(5) 2 members shall be appointed by the Speaker of the House of Representatives; and

(6) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON, VICE-CHAIRPERSON, AND MEETINGS.—Not later than 30 days after the date on which all members of the Commission are appointed under subsection (a), such members shall meet to elect a Chairperson and Vice Chairperson from among such members and shall determine a schedule of Commission meetings.

(c) GOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an official or employee of the Federal Government.

(d) COMMISSION REPRESENTATION.—The Commission shall include at least one—

(1) representative from private nonprofit entities with demonstrated expertise in addressing the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies; and

(2) State emergency manager or local emergency manager.

(e) QUALIFICATIONS.—Members appointed under subsection (a) may include—

(1) individuals involved with providing services to children, including health, education, housing, and other social services;

(2) individuals with experience in emergency management, including coordination of resources and services among State and local governments, the Federal Government, and nongovernmental entities;

(3) individuals with philanthropic experience focused on the needs of children in all hazards, including major disasters and emergencies;

(4) individuals with experience in providing donated goods and services, including personnel services, to meet the needs of children and families as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies; and

(5) individuals who have conducted academic research related to addressing the needs of children in all hazards, including major disasters and emergencies.

(f) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission not later than 120 days after the appointment of members of the Commission.

(g) QUORUM AND VACANCY.—

(1) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) VACANCY.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

SEC. 606. DUTIES OF COMMISSION.

The Commission shall—

(1) conduct pursuant to section 604(2) a comprehensive study that examines and assesses the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies, including specific findings relating to—

(A) child physical health, mental health, and trauma;

(B) child care in all settings;

(C) child welfare;

(D) elementary and secondary education;

(E) sheltering, temporary housing, and affordable housing;

(F) transportation;

(G) juvenile justice;

(H) evacuation; and

(I) relevant activities in emergency management;

(2) identify, review, and evaluate existing laws, regulations, policies, and programs relevant to the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies;

(3) identify, review, and evaluate the lessons learned from past disasters and emergencies relative to addressing the needs of children; and

(4) submit a report to the President and Congress on the Commission's specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies, including specific recommendations on the need for planning and establishing a national resource center on children and disasters, coordination of resources and services, administrative actions, policies, regulations, and legislative changes as the Commission considers appropriate.

SEC. 607. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, and receive such evidence as may be necessary to carry out the functions of the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may access, to the extent authorized by law, from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government such information, suggestions, estimates, and statistics as the Commission considers necessary to carry out this title.

(2) PROVISION OF INFORMATION.—On written request of the Chairperson of the Commission, each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, provide the requested information to the Commission.

(3) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—On request of the Chairperson of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other assistance necessary for the Commission to carry out its duties.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance provided for under paragraph (1), departments and agencies of the United States may provide to the Commission such assistance as they may determine advisable and as authorized by law.

(d) CONTRACTING.—The Commission may enter into contracts to enable the Commission to discharge its duties under this title.

(e) DONATIONS.—The Commission may accept, use, and dispose of donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

SEC. 608. STAFF OF COMMISSION.

(a) IN GENERAL.—The Chairperson of the Commission, in consultation with the Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, in accordance with the provisions of title 5, United States Code, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Commission, the head of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government may detail, without reimbursement, any of its personnel to the Commission to assist it in carrying out its duties under this title. Any detail of an employee shall be without interruption or loss of civil service status or privilege.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 609. TRAVEL EXPENSES.

Each member of the Commission shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 610. FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.

The provisions of the Federal Advisory Committee Act shall apply to the Commission, including the staff of the Commission.

SEC. 611. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORT.—The Commission shall, not later than 1 year after the date of its first meeting, submit to the President and Congress an interim report containing specific findings, conclusions, and recommendations required under this title as have been agreed to by a majority of Commission members.

(b) OTHER REPORTS AND INFORMATION.—

(1) REPORTS.—The Commission may issue additional reports as the Commission determines necessary.

(2) INFORMATION.—The Commission may hold public hearings to collect information and shall make such information available for use by the public.

(c) FINAL REPORT.—The Commission shall, not later than 2 years after the date of its first meeting, submit to the President and Congress a final report containing specific findings, conclusions, and recommendations required under this title as have been agreed to by a majority of Commission members.

(d) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 180 days after the date on which the final report is submitted under subsection (b).

(2) RECORDS.—Not later than the date of termination of the Commission under paragraph (1), all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title, $1,500,000 for each of fiscal years 2008 and 2009.

SEC. 613. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to confer on the Commission purposes and duties that are the responsibility of the Congress.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008''.

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

TITLE I

LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $195,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $158,457,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,316,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $620,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $309,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $4,796,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,912,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $14,161,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,587,000 for each such committee; in all, $3,174,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $778,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,620,000 for each such committee; in all, $3,240,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $379,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $22,388,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $60,600,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,684,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $41,100,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $6,280,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,439,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $6,000; Sergeant at Arms and Doorkeeper of the Senate, $6,000; Secretary for the Majority of the Senate, $6,000; Secretary for the Minority of the Senate, $6,000; in all, $24,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $129,000,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $142,389,000, which shall remain available until September 30, 2012.

MISCELLANEOUS ITEMS

For miscellaneous items, $17,528,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $375,704,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2007, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2007, increased by an additional $50,000 each.

SEC. 2. PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. Section 7(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 32b note) is amended by striking ''and the 109th Congress'' and inserting '', the 109th Congress, and the 110th Congress''.

SEC. 3. OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY. (a) IN GENERAL.—Upon the written request of the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading ''OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY'' under the heading ''SALARIES, OFFICERS AND EMPLOYEES'' such amount as the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority shall specify to the appropriations account under the heading ''MISCELLANEOUS ITEMS'' within the contingent fund of the Senate.

(b) AUTHORITY TO INCUR EXPENSES.—The Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority may incur such expenses as may be necessary or appropriate. Expenses incurred by the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority shall be paid from the amount transferred under subsection (a) by the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority and upon vouchers approved by the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority, as applicable.

(c) AUTHORITY TO ADVANCE SUMS.—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out subsections (a) and (b).

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2008 and each fiscal year thereafter.

SEC. 4. UNIFORM LIMITATION ON GROSS COMPENSATION FOR EMPLOYEES OF COMMITTEES. (a) IN GENERAL.—Section 105(e) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(e)) is amended by striking paragraph (3) and inserting the following:

''(3)(A) In this paragraph—

''(i) the term 'committee of the Senate' means—

''(I) any standing committee (including the majority and minority policy committees) of the Senate;

''(II) any select committee (including the conference majority and conference minority of the Senate); or

''(III) any joint committee the expenses of which are paid from the contingent fund of the Senate; and

''(ii) an employee of a subcommittee shall be considered to be an employee of the full committee.

''(B) Subject to adjustment as provided by law, no employee of a committee of the Senate shall be paid at a per annum gross rate in excess of $162,515.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal year 2008 and each fiscal year thereafter.

SEC. 5. UNITED STATES SENATE-JAPAN INTERPARLIAMENTARY GROUP. (a) ESTABLISHMENT AND MEETINGS.—Not to exceed 12 Senators shall be appointed to meet once per Congress with representatives of the Diet of Japan for discussion of common problems in the interest of relations between the United States and Japan. The Senators so appointed shall be referred to as the ''United States group'' of the United States Senate-Japan Interparliamentary Group. The meetings shall take place in Japan and Washington, D.C. alternatively.

(b) APPOINTMENT OF MEMBERS.—The President of the Senate shall appoint Senators under this section, including a Chair and Vice Chair, upon recommendations of the majority and minority leaders of the Senate. Such appointments shall be for the duration of each Congress.

(c) FUNDING.—There is authorized to be appropriated $100,000 for each Congress to assist in meeting the expenses of the United States group. Appropriations shall be disbursed on vouchers to be approved by the Chair of the United States group.

(d) CERTIFICATION OF EXPENDITURES.—A report of expenditures by the United States group shall be prepared and certified each Congress by the Chair.

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2008, and each fiscal year thereafter.

SEC. 6. ORIENTATION SEMINARS. (a) IN GENERAL.—Section 107(a) of the Supplemental Appropriations Act, 1979 (2 U.S.C. 69a; Public Law 96–38) is amended in the first sentence by striking ''$25,000'' and inserting ''$30,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to fiscal year 2008 and each fiscal year thereafter.

SEC. 7. MEDIA SUPPORT SERVICES. (a) DEFINITIONS.—In this section, the terms ''national committee'' and ''political party'' have the meaning given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

(b) IN GENERAL.—The official duties of employees of the Sergeant at Arms and Doorkeeper of the Senate under the Senate Daily Press Gallery, the Senate Periodical Press Gallery, the Senate Press Photographers Gallery, and the Senate Radio and Television Correspondents Gallery may include providing media support services with respect to the presidential nominating conventions of the national committees of political parties.

(c) APPROVAL OF SERGEANT AT ARMS.—The terms and conditions under which employees perform official duties under subsection (b) shall be subject to the approval of the Sergeant at Arms and Doorkeeper of the Senate.

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2008 and each fiscal year thereafter.

SEC. 8. CONSULTANTS. With respect to fiscal year 2008, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall be applied by substituting ''nine individual consultants'' for ''eight individual consultants''.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,188,211,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $24,048,000, including: Office of the Speaker, $4,761,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,388,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,290,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,894,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,420,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $499,000; Republican Steering Committee, $943,000; Republican Conference, $1,631,000; Republican Policy Committee, $325,000; Democratic Steering and Policy Committee, $1,295,000; Democratic Caucus, $1,604,000; nine minority employees, $1,498,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $460,000; and Cloakroom Personnel—minority, $460,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $581,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $133,000,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2008.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $32,203,700, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2008: Provided further, That $2,403,700 shall be derived from prior year unobligated balances from funds previously appropriated to the Committee on Appropriations.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $166,785,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $22,423,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $6,884,000; for salaries and expenses of the Office of the Chief Administrative Officer, $114,553,000, of which $6,269,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $4,368,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $3,049,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,178,000; for the Office of the Chaplain, $166,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $1,799,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,939,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $7,258,000; for salaries and expenses of the Office of Interparliamentary Affairs, $702,000; for other authorized employees, $1,016,000; and for salaries and expenses of the Office of the Historian, $450,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $254,174,000, including: supplies, materials, administrative costs and Federal tort claims, $3,588,000; official mail for committees, leadership offices, and administrative offices of the House, $310,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $227,455,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $2,262,000, to remain available until expended; Business Continuity and Disaster Recovery, $16,856,000, of which $5,408,000 shall remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $703,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2008. Any amount remaining after all payments are made under such allowances for fiscal year 2008 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. CONTRACT FOR EXERCISE FACILITY.—(a) Section 103(a) of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3175), is amended by striking ''private entity'' and inserting ''public or private entity''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005.

SEC. 103. DEPOSITS.—(a) The second sentence of section 101 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 117j) is amended by striking ''deposited in the Treasury as miscellaneous receipts'' and inserting ''deposited in the Treasury for credit to the account of the Office of the Chief Administrative Officer''.

(b) The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 104. HOUSE SERVICES REVOLVING FUND.—(a) Section 105(b) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 117m(b)) is

amended by striking ''the Chief Administrative Officer'' and inserting the following: ''the Chief Administrative Officer, including purposes relating to energy and water conservation and environmental activities carried out in buildings, facilities, and grounds under the Chief Administrative Officer's jurisdiction,''.

(b) The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 105. ADJUSTMENT.—The first sentence of section 5 of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971) (2 U.S.C. 31b–5), is amended by striking ''step 1 of level 6'' and inserting ''step 7 of level 11''.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,398,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $9,220,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2009

For salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2009, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2009, $1,240,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2009. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2008: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2009 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $2,063,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,798,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $5,348,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 110th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $232,800,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $48,900,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2008 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2008 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 1002. ADVANCE PAYMENTS.—During fiscal year 2008 and each succeeding fiscal year, following notification of the Committees on Appropriations of the House of Representatives and the Senate, the Chief of the Capitol Police may make payments in advance for obligations of the United States Capitol Police for subscription services if the Chief determines it to be more prompt, efficient, or economical to do so.

SEC. 1003. UTILITY TUNNEL REPAIRS.—(a) From the unexpended balances available under the heading ''Architect of the Capitol, Capitol Power Plant'' in chapter 6 of title V of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 111 Stat. 167), $876,000 are hereby rescinded.

(b) In addition to the amounts otherwise made available in this Act under the heading ''Capitol Police, Salaries'', there is appropriated $876,000 for expenses under such heading resulting from any utility tunnel repairs and asbestos abatement activities carried out by the Architect of the Capitol: Provided, That the amount provided by this section is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

SEC. 1004. UNITED STATES CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER.—(a) SHORT TITLE.—This section may be cited as the ''U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007''.

(b) TRANSFER OF PERSONNEL.—

(1) TRANSFERS.—

(A) LIBRARY OF CONGRESS POLICE EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under paragraph (2).

(B) LIBRARY OF CONGRESS POLICE CIVILIAN EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

(2) TREATMENT OF LIBRARY OF CONGRESS POLICE EMPLOYEES.—

(A) DETERMINATION OF STATUS WITHIN CAPITOL POLICE.—

(i) ELIGIBILITY TO SERVE AS MEMBERS OF THE CAPITOL POLICE.—A Library of Congress Police employee shall become a member of the Capitol Police on the employee's transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

(I) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account subparagraph (C)(i)), on the date such employee becomes 60 years of age.

(II) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

(III) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

(ii) SERVICE AS CIVILIAN EMPLOYEE OF CAPITOL POLICE.—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee's transfer date.

(iii) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this subparagraph shall not be appealable or reviewable in any manner.

(iv) DEADLINE FOR DETERMINATIONS.—The Chief of the Capitol Police shall complete the determinations required under this subparagraph for all Library of Congress Police employees not later than September 30, 2009.

(B) EXEMPTION FROM MANDATORY SEPARATION.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

(i) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

(ii) the date on which the individual—

(I) is 57 years of age or older; and

(II) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account subparagraph (C)(i)).

(C) TREATMENT OF PRIOR CREDITABLE SERVICE FOR RETIREMENT PURPOSES.—

(i) PRIOR SERVICE FOR PURPOSES OF ELIGIBILITY FOR IMMEDIATE RETIREMENT AS MEMBER OF CAPITOL POLICE.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol Police included in calculating the employee's service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

(ii) PRIOR SERVICE FOR PURPOSES OF COMPUTATION OF ANNUITY.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this paragraph that was accrued prior to becoming a member of the Capitol Police—

(I) shall be treated and computed as employee service under section 8339 or section 8415 of such title; but

(II) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of applying any formula under section 8339(b), 8339(q), 8415(c), or 8415(d) of such title under which a percentage of the individual's average pay is multiplied by the years (or other period) of such service.

(3) DUTIES OF EMPLOYEES TRANSFERRED TO CIVILIAN POSITIONS.—

(A) DUTIES.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under paragraph (1)(B) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under paragraph (2)(A)(ii), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under paragraph (1)(B) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the United States Capitol Police under this section.

(B) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

(4) PROTECTING STATUS OF TRANSFERRED EMPLOYEES.—

(A) NONREDUCTION IN PAY, RANK, OR GRADE.—The transfer of any individual under this subsection shall not cause that individual to be separated or reduced in basic pay, rank or grade.

(B) LEAVE AND COMPENSATORY TIME.—Any annual leave, sick leave, or other leave, or compensatory time, to the credit of an individual transferred under this subsection shall be transferred to the credit of that individual as a member or an employee of the Capitol Police (as the case may be). The treatment of leave or compensatory time transferred under this subsection shall be governed by regulations of the Capitol Police Board.

(C) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Chief of the Capitol Police may not impose a period of probation on any individual who is transferred under this section.

(5) RULES OF CONSTRUCTION RELATING TO EMPLOYEE REPRESENTATION.—

(A) EMPLOYEE REPRESENTATION.—Nothing in this section shall be construed to authorize any labor organization that represented an individual who was a Library of Congress police employee or a Library of Congress police civilian employee before the individual's transfer date to represent that individual as a member of the Capitol Police or an employee of the Capitol Police after the individual's transfer date.

(B) AGREEMENTS NOT APPLICABLE.—Nothing in this section shall be construed to authorize any collective bargaining agreement (or any related court order, stipulated agreement, or agreement to the terms or conditions of employment) applicable to Library of Congress police employees or to Library of Congress police civilian employees to apply to members of the Capitol Police or to civilian employees of the Capitol Police.

(6) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL POLICE.—Nothing in this section shall be construed to affect the authority of the Chief of the Capitol Police to—

(A) terminate the employment of a member of the Capitol Police or a civilian employee of the Capitol Police; or

(B) transfer any individual serving as a member of the Capitol Police or a civilian employee of the Capitol Police to another position with the Capitol Police.

(7) TRANSFER DATE DEFINED.—In this section, the term ''transfer date'' means, with respect to an employee—

(A) in the case of a Library of Congress Police employee who becomes a member of the Capitol Police, the first day of the first pay period applicable to members of the United States Capitol Police which begins after the date on which the Chief of the Capitol Police issues the written certification for the employee under paragraph (2)(A);

(B) in the case of a Library of Congress Police employee who becomes a civilian employee of the Capitol Police, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2009; or

(C) in the case of a Library of Congress Police civilian employee, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2008.

(8) CANCELLATION IN PORTION OF UNOBLIGATED BALANCE OF FEDLINK REVOLVING FUND .—Amounts available for obligation by the Librarian of Congress as of the date of the enactment of this Act from the unobligated balance in the revolving fund established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182c) for the Federal Library and Information Network program of the Library of Congress and the Federal Research program of the Library of Congress are reduced by a total of $560,000, and the amount so reduced is hereby cancelled.

(c) TRANSITION PROVISIONS.—

(1) TRANSFER AND ALLOCATIONS OF PROPERTY AND APPROPRIATIONS.—

(A) IN GENERAL.—Effective on the transfer date of any Library of Congress Police employee and Library of Congress Police civilian employee who is transferred under this section—

(i) the assets, liabilities, contracts, property, and records associated with the employee shall be transferred to the Capitol Police; and

(ii) the unexpended balances of appropriations, authorizations, allocations, and other

funds employed, used, held, arising from, available to, or to be made available in connection with the employee shall be transferred to and made available under the appropriations accounts for the Capitol Police for ''Salaries'' and ''General Expenses'', as applicable.

(B) JOINT REVIEW.—During the transition period, the Chief of the Capitol Police and the Librarian of Congress shall conduct a joint review of the assets, liabilities, contracts, property records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the transfer under this section.

(2) TREATMENT OF ALLEGED VIOLATIONS OF CERTAIN EMPLOYMENT LAWS WITH RESPECT TO TRANSFERRED INDIVIDUALS.—

(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (C), in the case of an alleged violation of any covered law (as defined in subparagraph (D)) which is alleged to have occurred prior to the transfer date with respect to an individual who is transferred under this section, and for which the individual has not exhausted all of the remedies available for the consideration of the alleged violation which are provided for employees of the Library of Congress under the covered law prior to the transfer date, the following shall apply:

(i) The individual may not initiate any procedure which is available for the consideration of the alleged violation of the covered law which is provided for employees of the Library of Congress under the covered law.

(ii) To the extent that the individual has initiated any such procedure prior to the transfer date, the procedure shall terminate and have no legal effect.

(iii) Subject to subparagraph (B), the individual may initiate and participate in any procedure which is available for the resolution of grievances of officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to provide for consideration of the alleged violation. The previous sentence does not apply in the case of an alleged violation for which the individual exhausted all of the available remedies which are provided for employees of the Library of Congress under the covered law prior to the transfer date.

(B) SPECIAL RULES FOR APPLYING CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—In applying subparagraph (A)(iii) with respect to an individual to whom this subsection applies, for purposes of the consideration of the alleged violation under the Congressional Accountability Act of 1995—

(i) the date of the alleged violation shall be the individual's transfer date;

(ii) notwithstanding the third sentence of section 402(a) of such Act (2 U.S.C. 1402(a)), the individual's request for counseling under such section shall be made not later than 60 days after the date of the alleged violation; and

(iii) the employing office of the individual at the time of the alleged violation shall be the Capitol Police Board.

(C) EXCEPTION FOR ALLEGED VIOLATIONS SUBJECT TO HEARING PRIOR TO TRANSFER.—Subparagraph (A) does not apply with respect to an alleged violation for which a hearing has commenced in accordance with the covered law on or before the transfer date.

(D) COVERED LAW DEFINED.—In this paragraph, a ''covered law'' is any law for which the remedy for an alleged violation is provided for officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.)

(3) AVAILABILITY OF DETAILEES DURING TRANSITION PERIOD.—During the transition period, the Chief of the Capitol Police may detail additional members of the Capitol Police to the Library of Congress, without reimbursement.

(4) EFFECT ON EXISTING MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect during the transition period, subject to—

(A) the provisions of this section; and

(B) such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding, consistent with the provisions of this section.

(5) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE LIBRARIAN OF CONGRESS.—Nothing in this section shall be construed to affect the authority of the Librarian of Congress to—

(A) terminate the employment of a Library of Congress Police employee or Library of Congress Police civilian employee; or

(B) transfer any individual serving in a Library of Congress Police employee position or Library of Congress Police civilian employee position to another position at the Library of Congress.

(d) POLICE JURISDICTION, UNLAWFUL ACTIVITIES, AND PENALTIES.—

(1) JURISDICTION.—

(A) EXTENSION OF CAPITOL POLICE JURISDICTION.—Section 9 of the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946 (2 U.S.C. 1961) is amended by adding at the end the following:

''(d) For purposes of this section, 'United States Capitol Buildings and Grounds' shall include the Library of Congress buildings and grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j), except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds are located.''.

(B) REPEAL OF LIBRARY OF CONGRESS POLICE JURISDICTION.—The first section and sections 7 and 9 of the Act of August 4, 1950 (2 U.S.C. 167, 167f, 167h) are repealed on October 1, 2009.

(2) UNLAWFUL ACTIVITIES AND PENALTIES.—

(A) EXTENSION OF UNITED STATES CAPITOL BUILDINGS AND GROUNDS PROVISIONS TO THE LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

(i) CAPITOL BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting ''all buildings on the real property described under section 5102(d)'' after ''(including the Administrative Building of the United States Botanic Garden)''.

(ii) CAPITOL GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

''(d) LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j).

''(2) AUTHORITY OF LIBRARIAN OF CONGRESS.—Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715).''.

(iii) CONFORMING AMENDMENT RELATING TO DISORDERLY CONDUCT.—Section 5104(e)(2) of title 40, United States Code, is amended by striking subparagraph (C) and inserting the following:

''(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

''(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

''(ii) the Library of Congress;''.

(B) REPEAL OF OFFENSES AND PENALTIES SPECIFIC TO THE LIBRARY OF CONGRESS.—Sections 2, 3, 4, 5, 6, and 8 of the Act of August 4, 1950 (2 U.S.C. 167a, 167b, 167c, 167d, 167e, and 167g) are repealed.

(C) SUSPENSION OF PROHIBITIONS AGAINST USE OF LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—Section 10 of the Act of August 4, 1950 (2 U.S.C. 167i) is amended by striking ''2 to 6, inclusive, of this Act'' and inserting ''5103 and 5104 of title 40, United States Code''.

(D) CONFORMING AMENDMENT TO DESCRIPTION OF LIBRARY OF CONGRESS GROUNDS.—Section 11 of the Act of August 4, 1950 (2 U.S.C. 167j) is amended—

(i) in subsection (a), by striking ''For the purposes of this Act the'' and inserting ''The'';

(ii) in subsection (b), by striking ''For the purposes of this Act the'' and inserting ''The'';

(iii) in subsection (c), by striking ''For the purposes of this Act the'' and inserting ''The''; and

(iv) in subsection (d), by striking ''For the purposes of this Act the'' and inserting ''The''.

(3) CONFORMING AMENDMENT RELATING TO JURISDICTION OF INSPECTOR GENERAL OF LIBRARY OF CONGRESS.—Section 1307(b)(1) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(b)), is amended by striking the semicolon at the end and inserting the following: '', except that nothing in this paragraph may be construed to authorize the Inspector General to audit or investigate any operations or activities of the United States Capitol Police;''.

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2009.

(e) COLLECTIONS, PHYSICAL SECURITY, CONTROL, AND PRESERVATION OF ORDER AND DECORUM WITHIN THE LIBRARY.—

(1) ESTABLISHMENT OF REGULATIONS.—The Librarian of Congress shall establish standards and regulations for the physical security, control, and preservation of the Library of Congress collections and property, and for the maintenance of suitable order and decorum within Library of Congress.

(2) TREATMENT OF SECURITY SYSTEMS.—

(A) RESPONSIBILITY FOR SECURITY SYSTEMS.—In accordance with the authority of the Capitol Police and the Librarian of Congress established under this section, the amendments made by this section, and the provisions of law referred to in subparagraph (C), the Chief of the Capitol Police and the Librarian of Congress shall be responsible for the operation of security systems at the Library of Congress buildings and grounds described under section 11 of the Act of August 4, 1950, in consultation and coordination with each other, subject to the following:

(i) The Librarian of Congress shall be responsible for the design of security systems for the control and preservation of Library collections and property, subject to the review and approval of the Chief of the Capitol Police.

(ii) The Librarian of Congress shall be responsible for the operation of security systems at any building or facility of the Library of Congress which is located outside of the District of Columbia, subject to the review and approval of the Chief of the Capitol Police.

(B) INITIAL PROPOSAL FOR OPERATION OF SYSTEMS.—Not later than October 1, 2008, the Chief of the Capitol Police, in coordination with the Librarian of Congress, shall prepare and submit to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate an initial proposal for carrying out this paragraph.

(C) PROVISIONS OF LAW.—The provisions of law referred to in this subparagraph are as follows:

(i) Section 1 of the Act of June 29, 1922 (2 U.S.C. 141).

(ii) The undesignated provision under the heading ''General Provision, This Chapter'' in

chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (2 U.S.C. 141a).

(iii) Section 308 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 1964).

(iv) Section 308 of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 1965).

(f) PAYMENT OF CAPITOL POLICE SERVICES PROVIDED IN CONNECTION WITH RELATING TO LIBRARY OF CONGRESS SPECIAL EVENTS.—

(1) PAYMENTS OF AMOUNTS DEPOSITED IN REVOLVING FUND.—Section 102(e) of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182b(e)) is amended to read as follows:

''(e) USE OF AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

''(2) SPECIAL RULE FOR PAYMENTS FOR CERTAIN CAPITOL POLICE SERVICES.—In the case of any amount in the revolving fund consisting of a payment received for services of the United States Capitol Police in connection with a special event or program described in subsection (a)(4), the Librarian shall transfer such amount upon receipt to the Capitol Police for deposit into the applicable appropriations accounts of the Capitol Police.''.

(2) USE OF OTHER LIBRARY FUNDS TO MAKE PAYMENTS.—In addition to amounts transferred pursuant to section 102(e)(2) of the Library of Congress Fiscal Operations Improvement Act of 2000 (as added by paragraph (1)), the Librarian of Congress may transfer amounts made available for salaries and expenses of the Library of Congress during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for services provided in connection with a special event or program described in section 102(a)(4) of such Act.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided by the United States Capitol Police on or after the date of the enactment of this Act.

(g) OTHER CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1015 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note) and section 1006 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1901 note; Public Law 108–83; 117 Stat. 1023) are repealed.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect October 1, 2009.

(h) DEFINITIONS.—In this section—

(1) the term ''Act of August 4, 1950'' means the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress,'' (2 U.S.C. 167 et seq.);

(2) the term ''Library of Congress Police employee'' means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167);

(3) the term ''Library of Congress Police civilian employee'' means an employee of the Library of Congress Office of Security and Emergency Preparedness who provides direct administrative support to, and is supervised by, the Library of Congress Police, but shall not include an employee of the Library of Congress who performs emergency preparedness or collections control and preservation functions; and

(4) the term ''transition period'' means the period the first day of which is the date of the enactment of this Act and the final day of which is September 30, 2009.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,350,000, of which $700,000 shall remain available until September 30, 2009: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: Provided further, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

SEC. 1101. COMPENSATION OF BOARD AND OFFICERS OF THE OFFICE OF COMPLIANCE. (a) MEMBERS OF THE BOARD OF DIRECTORS.—Section 301(g) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(g)) is amended by striking paragraph (1) and inserting the following:

''(1) PER DIEM.—

''(A) RATE OF COMPENSATION FOR EACH DAY.—Each member of the Board shall be compensated, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board, at a rate equal to the daily equivalent of the lesser of—

''(i) the highest annual rate of compensation of any officer of the Senate; or

''(ii) the highest annual rate of compensation of any officer of the House of Representatives.

''(B) AUTHORITY TO PRORATE.—The rate of pay of a member may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties.''.

(b) OFFICERS.—Section 302 of the Congressional Accountability Act of 1995 (2 U.S.C. 1382) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) COMPENSATION.—

''(A) AUTHORITY TO FIX COMPENSATION.—The Chair may fix the compensation of the Executive Director.

''(B) LIMITATION.—The rate of pay for the Executive Director may not exceed the lesser of—

''(i) the highest annual rate of compensation of any officer of the Senate; or

''(ii) the highest annual rate of compensation of any officer of the House of Representatives.'';

(2) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) COMPENSATION.—

''(A) AUTHORITY TO FIX COMPENSATION.—The Chair may fix the compensation of the Deputy Executive Directors.

''(B) LIMITATION.—The rate of pay for a Deputy Executive Director may not exceed 96 percent of the lesser of—

''(i) the highest annual rate of compensation of any officer of the Senate; or

''(ii) the highest annual rate of compensation of any officer of the House of Representatives.'';

(3) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) COMPENSATION.—

''(A) AUTHORITY TO FIX COMPENSATION.—The Chair may fix the compensation of the General Counsel.

''(B) LIMITATION.—The rate of pay for the General Counsel may not exceed the lesser of—

''(i) the highest annual rate of compensation of any officer of the Senate; or

''(ii) the highest annual rate of compensation of any officer of the House of Representatives.''; and

(4) in subsection (e), by striking ''General Accounting Office'' and inserting ''Government Accountability Office''.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $4,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $37,399,000.

ADMINISTRATIVE PROVISION

SEC. 1201. EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE. (a) IN GENERAL.—The Director of the Congressional Budget Office may establish and conduct an executive exchange program under which employees of the Office may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, for 1-year periods to further the institutional interests of the Office or Congress, including for the purpose of providing training to officers and employees of the Office.

(b) LIMITATIONS AND CONDITIONS.—The Director of the Congressional Budget Office shall—

(1) limit the number of officers and employees who are assigned to private sector organizations at any one time to not more than 3;

(2) limit the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 3;

(3) require that an employee of a private sector organization assigned to the Office may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned; and

(4) approve employees to be detailed from the private sector without regard to political affiliation and solely on the basis of their fitness to perform their assigned duties.

(c) TREATMENT OF PRIVATE EMPLOYEES.—An employee of a private sector organization assigned to the Office under the executive exchange program shall be considered to be an employee of the Office for purposes of—

(1) chapter 73 of title 5, United States Code;

(2) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(3) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(4) chapter 171 of title 28, United States Code (commonly referred to as the ''Federal Tort Claims Act'') and any other Federal tort liability statute;

(5) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(6) section 1043 of the Internal Revenue Code of 1986.

(d) TERMINATION OF ASSIGNMENTS.—No assignment under this section shall commence after the end of the 2-year period beginning on the date of enactment of this section.

(e) EFFECTIVE DATE.—Subject to subsection (d), this section shall apply to fiscal year 2008 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $79,897,000, of which $400,000 shall remain available until September 30, 2012.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $24,090,000, of which $8,290,000 shall remain available until September 30, 2012.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol,

the Senate and House office buildings, and the Capitol Power Plant, $10,090,000, of which $500,000 shall remain available until September 30, 2012.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $70,283,000, of which $14,400,000 shall remain available until September 30, 2012.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $65,635,000, of which $25,400,000 shall remain available until September 30, 2012.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $85,310,000, of which $3,155,000 shall remain available until September 30, 2012: Provided, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2008.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $27,553,000, of which $4,890,000 shall remain available until September 30, 2012.

CAPITOL POLICE BUILDINGS, GROUNDS, AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $14,966,000, of which $1,000,000 shall remain available until September 30, 2012.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $8,808,000: Provided, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, $28,753,000, to remain available until expended, of which up to $8,500,000 may be used for Capitol Visitor Center operations: Provided, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INSPECTOR GENERAL OF THE ARCHITECT OF THE CAPITOL. (a) SHORT TITLE.—This section may be cited as the ''Architect of the Capitol Inspector General Act of 2007''.

(b) OFFICE OF INSPECTOR GENERAL.—There is an Office of Inspector General within the Office of the Architect of the Capitol which is an independent objective office to—

(1) conduct and supervise audits and investigations relating to the Architect of the Capitol;

(2) provide leadership and coordination and recommend policies to promote economy, efficiency, and effectiveness; and

(3) provide a means of keeping the Architect of the Capitol and the Congress fully and currently informed about problems and deficiencies relating to the administration of programs and operations of the Architect of the Capitol.

(c) APPOINTMENT OF INSPECTOR GENERAL; SUPERVISION; REMOVAL.—

(1) APPOINTMENT AND SUPERVISION.—

(A) IN GENERAL.—There shall be at the head of the Office of Inspector General, an Inspector General who shall be appointed by the Architect of the Capitol, in consultation with the Inspectors General of the Library of Congress, Government Printing Office, Government Accountability Office, and United States Capitol Police. The appointment shall be made without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Architect of the Capitol.

(B) AUDITS, INVESTIGATIONS, REPORTS, AND OTHER DUTIES AND RESPONSIBILITIES.—The Architect of the Capitol shall have no authority to prevent or prohibit the Inspector General from—

(i) initiating, carrying out, or completing any audit or investigation;

(ii) issuing any subpoena during the course of any audit or investigation;

(iii) issuing any report; or

(iv) carrying out any other duty or responsibility of the Inspector General under this section.

(2) REMOVAL.—The Inspector General may be removed from office by the Architect of the Capitol. The Architect of the Capitol shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

(3) COMPENSATION.—The Inspector General shall be paid at an annual rate of pay equal to $1,500 less than the annual rate of pay of the Architect of the Capitol.

(d) DUTIES, RESPONSIBILITIES, AUTHORITY, AND REPORTS.—

(1) IN GENERAL.—Sections 4, 5 (other than subsections (a)(13) and (e)(1)(B) thereof), 6 (other than subsection (a)(7) and (8) thereof), and 7 of the Inspector General Act of 1978 (5 U.S.C. App.) shall apply to the Inspector General of the Architect of the Capitol and the Office of such Inspector General and such sections shall be applied to the Office of the Architect of the Capitol and the Architect of the Capitol by substituting—

(A) ''Office of the Architect of the Capitol'' for ''establishment''; and

(B) ''Architect of the Capitol'' for ''head of the establishment''.

(2) EMPLOYEES.—The Inspector General, in carrying out this section, is authorized to select, appoint, and employ such officers and employees (including consultants) as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General subject to the provisions of law governing selections, appointments, and employment in the Office of the Architect of the Capitol.

(e) TRANSFERS.—All functions, personnel, and budget resources of the Office of the Inspector General of the Architect of the Capitol as in effect before the effective date of this section are transferred to the Office of Inspector General described under subsection (b).

(f) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Inspector General of the Architect of the Capitol shall be deemed to refer to the Inspector General as set forth under this section.

(g) FIRST APPOINTMENT.—By the date occurring 180 days after the date of enactment of this Act, the Architect of the Capitol shall appoint an individual to the position of Inspector General of the Architect of the Capitol described under subparagraph (A) of subsection (c)(1) in accordance with that subparagraph.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect 180 days after the date of enactment of this Act and apply with respect to fiscal year 2008 and each fiscal year thereafter.

(2) FIRST APPOINTMENT.—Subsection (g) shall take effect on the date of enactment of this Act and the Architect of the Capitol shall take such actions as necessary after such date of enactment to carry out that subsection.

SEC. 1302. FLEXIBLE WORK SCHEDULES. Notwithstanding section 6101 of title 5, United States Code, the Architect of the Capitol may establish and conduct a pilot program to test flexible work schedules within the Architect of the Capitol and Botanic Garden. Such pilot program shall be in accordance with chapter 61 of title 5, United States Code. This authority shall terminate effective September 30, 2008.

SEC. 1303. TRAVEL AND TRANSPORTATION. (a) IN GENERAL.—Section 5721(1) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(2) by inserting after subparagraph (F) the following:

''(G) the Architect of the Capitol;''.

(b) DEMONSTRATION PROGRAM.—Section 521(1)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8241(1)(B)) is amended by striking ''paragraphs (B) through (H)'' and inserting ''subparagraphs (B) through (I)''.

SEC. 1304. ADVANCE PAYMENTS.—During fiscal year 2008 and each succeeding fiscal year, following notification of the Committees on Appropriations of the House of Representatives and the Senate, the Architect of the Capitol may make payments in advance for obligations of the Office of the Architect of the Capitol for subscription services if the Architect determines it to be more prompt, efficient, or economical to do so.

SEC. 1305. CVC MAINTENANCE.—For maintenance purposes, the Capitol Visitor Center (CVC) is considered an extension of the Capitol Building, and the maintenance functions for the CVC's infrastructure is the responsibility of the Architect of the Capitol. Starting in fiscal year 2008, and each fiscal year thereafter, the CVC's facilities maintenance budget and associated payroll will be included with the Capitol Building's appropriation budget, and integrated in such a way as to facilitate the reporting of expenses associated with the maintenance of the CVC facility.

SEC. 1306. LEASING AUTHORITY.—(a) Section 1102(b) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1822(b)) is amended—

(1) in paragraph (1), by striking ''Committee on Rules and Administration'' and inserting ''Committees on Appropriations and Rules and Administration'';

(2) in paragraph (2), by striking ''the House Office Building Commission'' and inserting ''the Committee on Appropriations of the House of Representatives and the House Office Building Commission''; and

(3) in paragraph (3), by striking the period at the end and inserting '', for space to be leased for any other entity under subsection (a).''.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2004.

SEC. 1307. EASEMENTS FOR RIGHTS-OF-WAY. (a) IN GENERAL.—The Architect of the Capitol may grant, upon such terms as the Architect of the Capitol considers advisable, including monetary consideration, easements for rights-of-way over, in, and upon the Capitol Grounds and any other public lands under the jurisdiction and control of the Architect of the Capitol.

(b) LIMITATION.—No easement granted under this section may include more land than is necessary for the easement.

(c) EASEMENT ACCOUNT.—There is established in the Treasury an easement account for the Architect of the Capitol. The Architect of the Capitol shall deposit in the account all proceeds received relating to the granting of easements under this section. The proceeds deposited in that account shall be available to the Architect, in such amounts and for such purposes provided in appropriations acts.

(d) IN-KIND CONSIDERATION.—Subject to subsection (f), the Architect may accept in-kind consideration instead of, or in addition to, any monetary consideration, for any easement granted under this section.

(e) TERMINATION OF EASEMENT.—The Architect of the Capitol may terminate all or part of any easement granted under this section for—

(1) failure to comply with the terms of the grant;

(2) nonuse for a 2-year period; or

(3) abandonment.

(f) APPROVAL.—The Architect of the Capitol may grant an easement for rights-of-way under subsection (a) upon submission of written notice of intent to grant that easement and the amount or type of consideration to be received, and approval by—

(1) the Committee on Rules and Administration of the Senate for easements granted on property under Senate jurisdiction;

(2) the House Office Building Commission for property under House of Representatives jurisdiction; and

(3) the Committee on Rules and Administration of the Senate and the House Office Building Commission for easements granted on any other property.

(g) EFFECTIVE DATE.—This section shall apply to fiscal year 2008 and each fiscal year thereafter.

SEC. 1308. DESIGN-BUILD CONTRACTS.—(a) Notwithstanding any other provision of law, the Architect of the Capitol may use the two-phase selection procedures authorized in section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m) for entering into a contract for the design and construction of a public building, facility, or work in the same manner and under the same terms and conditions as the head of an executive agency under such section.

(b) This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 1309. ASSISTANT TO THE CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES. (a) DEFINITION.—In this section the term ''Chief Executive Officer'' means the Chief Executive Officer for Visitor Services established under section 6701 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (2 U.S.C. 1806).

(b) ASSISTANT TO THE CHIEF EXECUTIVE OFFICER.—The Architect of the Capitol shall—

(1) after consultation with the Chief Executive Officer, appoint an assistant to perform the responsibilities of the Chief Executive Officer during the absence or disability of the Chief Executive Officer, or during a vacancy in the position of the Chief Executive Officer; and

(2) fix the rate of basic pay for the position of the assistant appointed under paragraph (1) at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2008 and each fiscal year thereafter.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $395,784,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2008, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2008 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, $16,451,000 shall remain available until September 30, 2010 for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $7,000,000 shall remain available until expended for the digital collections and educational curricula program: Provided further, That of the total amount appropriated, $750,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $1,482,000 shall be used for the National Digital Information Infrastructure and Preservation Program: Provided further, That of the total amount appropriated, $75,000 shall be used to provide a grant to the Middle Eastern Text Initiative for translation and publishing of middle eastern text: Provided further, That $125,000 shall be used to provide a grant to the University of Mississippi for the American Music Archives.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $49,558,000, of which not more than $29,826,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2008 under section 708(d) of title 17, United States Code: Provided, That not more than $10,000,000 shall be derived from prior year unobligated balances: Provided further, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $4,398,000 shall be derived from collections during fiscal year 2008 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections and unobligated balances are less than $44,224,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $102,601,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $67,091,000, of which $20,704,000 shall remain available until expended, of which $650,000 shall be available to contract to provide newspapers to blind and physicially handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

SEC. 1401. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1402. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2008, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $122,529,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2008, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the

subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1403. AUDIT REQUIREMENT. Section 207(e) of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 182(e)) is amended to read as follows:

''(e) AUDIT.—The revolving fund shall be subject to audit by the Comptroller General at the Comptroller General's discretion.''.

SEC. 1404. TRANSFER AUTHORITY. (a) IN GENERAL.—Amounts appropriated for fiscal year 2008 for the Library of Congress may be transferred during fiscal year 2008 between any of the headings under the heading ''LIBRARY OF CONGRESS'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''LIBRARY OF CONGRESS'' for fiscal year 2008 may be transferred from that account by all transfers made under subsection (a).

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $90,000,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $35,000,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2006 and 2007 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' together may not be available for the full-time equivalent employment of more than 2,621 work-years (or such other number of work-years as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $501,000,000: Provided, That not more than $5,413,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2008: Provided further, That not more than $2,097,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2008: Provided further, That of the total amount provided, up to $2,500,000 is for technology assessment studies: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISIONS

SEC. 1501. CONTRACT APPEALS BOARD. (a) DEFINITIONS.—In this section—

(1) the term ''Board'' means the Contract Appeals Board established under subsection (b); and

(2) the term ''legislative branch agency'' means—

(A) the Architect of the Capitol;

(B) the United States Botanic Gardens;

(C) the Government Accountability Office;

(D) the Government Printing Office;

(E) the Library of Congress;

(F) the Congressional Budget Office;

(G) the United States Capitol Police; and

(H) any other agency, including any office, board, or commission, established in the legislative branch; and

(b) ESTABLISHMENT.—There is established a Contract Appeals Board within the Government Accountability Office. The Board shall hear and decide appeals from decisions of a contracting officer with respect to any contract entered into by a legislative branch agency.

(c) MEMBERS OF THE BOARD.—

(1) APPOINTMENT.—The Comptroller General shall appoint at least 3 members to the Contract Appeals Board.

(2) QUALIFICATIONS.—Each member shall have not less than 5 years experience in public contract law.

(3) PAY.—Subject to any provision of law relating to pay applicable to the Office of General Counsel of the Government Accountability Office, the Comptroller General shall establish and adjust the annual rate of basic pay of members of the Board.

(d) PROVISIONS APPLICABLE TO APPEALS.—The Contract Disputes Act of 1978 (Public Law 95–563, 41 U.S.C. 601 et seq.), as amended, shall apply to appeals to the Board, except that section 4, subsections 8(a), (b), and (c), and subsection 10(a) shall not apply to such appeals and the amount of any claim referenced in subsection 6(c) shall be $50,000. The Comptroller General shall prescribe regulations for procedures for appeals to the Board that are consistent with procedures under the Contract Disputes Act of 1978.

(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2008 and each fiscal year thereafter.

SEC. 1502. REPEAL AND MODIFICATION OF CERTAIN REPORTING REQUIREMENTS. (a) ANNUAL REPORT BY GAO ON CONSISTENCY OF IMF PRACTICES WITH STATUTORY POLICIES.—Section 504(e) of the Consolidated Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1501A–318) is repealed.

(b) REVIEW OF PROPOSED CHANGES TO EXPORT THRESHOLDS FOR COMPUTERS.—Section 314 of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–123) is repealed.

(c) CONGRESSIONAL HUNGER FELLOWSHIP PROGRAM AUDIT.—Section 4404(f)(4)(A) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161(f)(4)(A); Public Law 107–171) is amended—

(1) by striking ''shall'' and inserting ''may''; and

(2) by striking ''annual.''.

(d) HAITIAN REFUGEE IMMIGRATION.—Section 902(k) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note; Public Law 105–277) is repealed.

(e) AUDIT OF FINANCIAL TRANSACTIONS.—Section 11 of the National Moment of Remembrance Act (36 U.S.C. 116 note; Public Law 106–579) is repealed.

(f) LOSS RATIOS AND REFUND OF PREMIUMS.—Section 1882(r)(5) of the Social Security Act (42 U.S.C. 1395ss(r)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking ''(A) The Comptroller General shall periodically, not less than once every 3 years,'' and inserting ''The Secretary may''; and

(B) by striking ''and to the Secretary''; and

(2) by striking subparagraph (B).

(g) RADIATION EXPOSURE COMPENSATION REPORTS.—Section 14 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note; Public Law 101–426) is repealed.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $9,000,000: Provided, That not later than March 31, 2008, the Board of Trustees of the Open World Leadership Center shall prepare and submit a report to the Committees on Appropriations of the Senate and the House of Representatives for potential options for transfer of the Open World Leadership Center to a department or agency in the executive branch, establishment of the Center as an independent agency in the executive branch, or other appropriate options.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2008 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. GUIDED TOURS OF THE CAPITOL.—(a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol or the U.S. Capitol Guide Service and Congressional Special Services Office in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol or Director of the U.S. Capitol Guide Service and Congressional Special Services Office with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol or the Capitol Guide Service.

This division may be cited as the ''Legislative Branch Appropriations Act, 2008.''

SEC. 210. (a) RESCISSIONS.—There is hereby rescinded an amount equal to 0.25 percent of the budget authority provided for fiscal year 2008 for any discretionary account in title I of this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) EXCEPTION.—This section shall not apply to section 1003 of title I of this Act.

(d) ADMINISTRATION OF ACROSS-THE-BOARD REDUCTIONS.—In the administration of subsection (a), with respect to the budget authority provided under the heading ''SENATE'' in title I of this Act—

(1) the percentage rescissions under subsection (a) shall apply to the total amount of all funds appropriated under that heading; and

(2) the rescissions may be applied without regard to subsection (b).

DIVISION I—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,936,583,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $321,983,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 110–5, $8,690,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,198,394,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $113,017,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Navy and Marine Corps'' under Public Law 108–132, $5,862,000; under Public Law 108–324, $2,069,000; and under Public Law 110–5, $2,626,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,159,747,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $43,721,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 108–324, $5,319,000; and under Public Law 110–5, $5,151,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,609,596,000, to remain available until September 30, 2012: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $155,569,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Defense-Wide'' under Public Law 110–5, $10,192,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $536,656,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $287,537,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $148,133,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $64,430,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $28,359,000, to remain available until September 30, 2012: Provided, That of the funds appropriated for ''Military Construction, Air Force Reserve'' under Public Law 109–114, $3,069,000 are hereby rescinded.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $201,400,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION OF FUNDS)

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $424,400,000, to remain available until September 30, 2012: Provided, That of the funds appropriated for ''Family Housing Construction, Army'' under Public Law 110–5, $4,559,000 are hereby rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $731,920,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $293,129,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $371,404,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION OF FUNDS)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $327,747,000, to remain available until September 30, 2012: Provided, That of the funds appropriated for ''Family Housing Construction, Air Force'' under Public Law 108–132, $15,000,000 are hereby rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $688,335,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,848,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $104,176,000, to remain available until September 30, 2012, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $295,689,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $7,235,591,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under 10 U.S.C. 2805.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for

which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report, in unclassified and, if necessary classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives or the subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

SEC. 125. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005

under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 127. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 128. None of the funds in this title shall be used for any activity related to the construction of an Outlying Landing Field in Washington County, North Carolina.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $41,236,322,000, to remain available until expended: Provided, That not to exceed $28,583,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical administration'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $3,300,289,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $41,250,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2008, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,562,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $71,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,287,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $311,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $628,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical administration'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $29,104,220,000, plus reimbursements, of which not less than $2,900,000,000 shall be expended for specialty mental health care and not less than $130,000,000 shall be expended for the homeless grants and per diem program: Provided, That of the funds made available under this heading, not to exceed $1,350,000,000 shall be available until September 30, 2009: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $3,517,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2009.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,100,000,000, plus reimbursements, of which $350,000,000 shall be available until September 30, 2009: Provided, That $325,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $480,000,000, plus reimbursements, to remain available until September 30, 2009.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $195,000,000, of which not to exceed $20,000,000 shall be available until September 30, 2009.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,605,000,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,327,001,000: Provided further, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2009: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $1,966,465,000, to be available until September 30, 2009: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $80,500,000, of which $5,000,000 shall be available until September 30, 2009.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,069,100,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2008, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2008; and (2) by the awarding of a construction contract by September 30, 2009: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: Provided further, That none of the funds appropriated in this or any other Act may be used to reduce the mission, services, or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study, as specified by the Secretary of Veterans Affairs, without prior approval of the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $630,535,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $165,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $39,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2008 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2008, in this Act or any other Act, under the ''Medical services'', ''Medical Administration'', and ''Medical facilities'' accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2007.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations

of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2008, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2008 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2008 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $32,067,000 for the Office of Resolution Management and $3,148,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 219. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the ''Medical services'', ''Medical Administration'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2008, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 222. Amounts made available for the ''Information technology systems'' account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the ''Compensation and pensions'' account, and receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the ''Compensation and pensions'' account.

SEC. 224. PROHIBITION ON DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS LANDS AND IMPROVEMENTS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA. (a) IN GENERAL.—The Secretary of Veterans Affairs may not declare as excess to the needs of the Department of Veterans Affairs, or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the Department of Veterans Affairs West Los Angeles Medical Center, California, encompassing approximately 388 acres on the north and south sides of Wilshire Boulevard and west of the 405 Freeway.

(b) SPECIAL PROVISION REGARDING LEASE WITH REPRESENTATIVE OF THE HOMELESS.—Notwithstanding any provision of this Act, section 7 of the Homeless Veterans Comprehensive Services Act of 1992 (Public Law 102–590) shall remain in effect.

(c) CONFORMING AMENDMENT.—Section 8162(c)(1) of title 38, United States Code, is amended—

(1) by inserting ''or section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008'' after ''section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553)''; and

(2) by striking ''that section'' and inserting ''such sections''.

(d) EFFECTIVE DATE.—This section, including the amendment made by this section, shall apply with respect to fiscal year 2008 and each fiscal year thereafter.

SEC. 225. The Department shall continue research into Gulf War Illness at levels not less than those made available in fiscal year 2007, within available funds contained in this Act.

SEC. 226. (a) Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Veterans Affairs shall establish and maintain on the homepage of the Internet website of the Office of Inspector General a mechanism by which individuals can anonymously report cases of waste, fraud, or abuse with respect to the Department of Veterans Affairs.

(b) Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish and maintain on the homepage of the Internet website of the Department of Veterans Affairs a direct link to the Internet website of the Office of Inspector General of the Department of Veterans Affairs.

SEC. 227. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support

increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 228. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 229. The Secretary of Veterans Affairs may carry out a major medical facility lease in fiscal year 2008 in an amount not to exceed $12,000,000 to implement the recommendations outlined in the August, 2007 Study of South Texas Veterans' Inpatient and Specialty Outpatient Health Care Needs.

(INCLUDING RECISSION OF FUNDS)

SEC. 230. Of the amounts made available for ''Veterans Health Administration, Medical Services'' in Public Law 110–28, $66,000,000 are rescinded. For an additional amount for ''Departmental Administration, Construction, Major Projects'', $66,000,000, to be available until expended: Provided, That the amount provided by this section is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

SEC. 231. Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking ''September 30, 2007,'' and inserting ''September 30, 2008,''.

SEC. 232. Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking ''October 1, 2007,'' and inserting ''October 1, 2008,''.

SEC. 233. The unobligated balance of funds appropriated under the heading ''Construction, Major Projects'' in Public Law 109–234 for environmental clean-up and removal of debris from the Department of Veterans Affairs property in Gulfport, Mississippi, shall be available to the Department to replace missing doors and windows, and to repair roofs, of the buildings identified by the City of Gulfport, Mississippi, that will convey with the property, to prevent further environmental damage to the interior infrastructure of these buildings: Provided, That the amount provided by this section is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

SEC. 234. Notwithstanding any other provision of law, increases necessary to carry out section 3674 of title 38, United States Code at a level equal to fiscal year 2007 shall be available from amounts provided in this title for ''Departmental Administration, General Operating Expenses''.

SEC. 235. (a) EMERGENCY DESIGNATION.—Notwithstanding any other provision of this title (except section 230), of the amounts otherwise provided by this title for the following accounts, the following amounts are designated as emergency requirements and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008: Veterans Health Administration, Medical Services, $1,936,549,000; Veterans Health Administration, Medical Administration, $75,000,000; Veterans Health Administration, Medical Facilities, $508,000,000; Veterans Health Administration, Medical and Prosthetic Research, $69,000,000; National Cemetery Administration, $28,191,000; Departmental Administration, General Operating Expenses, $133,163,000; Departmental Administration, Information Technology Systems, $107,248,000; Departmental Administration, Office of the Inspector General, $7,901,000; Departmental Administration, Construction, Major Projects $341,700,000; Departmental Administration, Construction, Minor Projects, $397,139,000; Departmental Administration, Grants for construction of State Extended Care Facilities, $80,000,000; and Departmental Administration, Grants for Construction of State Veterans Cemeteries, $7,500,000.

(b) CONTINGENT APPROPRIATION.—Any amount appropriated in this title that is designated by the Congress as an emergency requirement pursuant to subsection (a) shall be made available only after submission to the Congress by January 18, 2008, a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement.

(c) REQUIREMENT FOR AVAILABILITY.—None of the funds described in subsection (a) shall become available for obligation unless all such funds are made available for obligation.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $44,600,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $11,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $22,717,000, of which $1,210,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $31,230,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,724,000.

GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT HOME

For payment to the ''Armed Forces Retirement Home'', $800,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2008 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. The Director of the Congressional Budget Office shall, not later than February 1, 2008, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting annual appropriations necessary for the Department of Veterans Affairs to continue providing necessary health care to veterans for fiscal years 2009 through 2012.

SEC. 409. None of the funds appropriated or otherwise made available in this Act may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 410. (a) In this section:

(1) The term ''City'' means the City of Aurora, Colorado.

(2) The term ''deed'' means the quitclaim deed—

(A) conveyed by the Secretary to the City; and

(B) dated May 24, 1999.

(3) The term ''non-Federal land'' means—

(A) parcel I of the Fitzsimons Army Medical Center, Colorado; and

(B) the parcel of land described in the deed.

(4) The term ''Secretary'' means the Secretary of the Interior.

(b)(1) In accordance with paragraph (2), to allow the City to convey by donation to the United States the non-Federal land to be used by the Secretary of Veterans Affairs for the construction of a veterans medical facility.

(2) In carrying out paragraph (1), with respect to the non-Federal land, the Secretary shall forego exercising any rights provided by the—

(A) deed relating to a reversionary interest of the United States; and

(B) any other reversionary interest of the United States.

This division may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008''.

DIVISION J—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $4,385,042,000: Provided, That of the amount provided by this paragraph, $575,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading, not less than $360,905,000 shall be available only for public diplomacy international information programs: Provided further, That of the funds made available under this heading, $5,000,000 shall be made available for a demonstration program to expand access to consular services: Provided further, That of the amount appropriated under this heading, $2,000,000 shall be available for the Secretary to establish and operate a public/private interagency public diplomacy center which shall serve as a program integration and coordination entity for United States public diplomacy programs: Provided further, That of the amounts appropriated under this heading, $4,000,000, to remain available until expended, shall be for compensation to the families of members of the Foreign Service or other United States Government employees or their dependents, who were killed in terrorist attacks since 1979: Provided further, That none of the funds made available for compensation in the previous proviso may be obligated without specific authorization in a subsequent Act of Congress: Provided further, That during fiscal year 2008, foreign service annuitants may be employed, notwithstanding section 316.401 of title 5, Code of Federal Regulations, pursuant to waivers under section 824(g)(1)(C)(ii) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(1)(C)(ii)): Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available for the Ambassador's Fund for Cultural Preservation: Provided further, That of the funds appropriated under this heading, $500,000 may not be available for obligation until the Secretary of State submits a report to the Committees on Appropriations outlining a plan to increase the capacity of United States Embassy Moscow to monitor human rights and Russian laws relating to the press and civil society groups, and consults with the Committees on Appropriations concerning such plan: Provided further, That the Secretary may transfer to and merge with ''Emergencies in the Diplomatic and Consular Service'' for rewards payments unobligated balances of funds appropriated under ''Diplomatic and Consular Programs'' for this fiscal year and for each fiscal year hereafter, at no later than the end of the fifth fiscal year after the fiscal year for which any such funds were appropriated or otherwise made available: Provided further, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action: Provided further, That funds appropriated under this heading are available, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

In addition, not to exceed $1,558,390 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security protection, $974,760,000, to remain available until expended: Provided, That of the amount provided by this paragraph, $206,632,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $60,062,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $34,008,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $505,441,000, to remain available until expended: Provided, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $23,000,000, to remain available until September 30, 2009.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $761,216,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $676,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the ''Repatriation Loans Program Account'', subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $678,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with ''Diplomatic and Consular Programs''.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $16,351,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,354,400,000: Provided, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting

decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2008–2009 to exceed the revised United Nations budget level for the biennium 2006–2007 of $4,173,895,900: Provided further, That any payment of arrearages under this title shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,700,500,000, of which 15 percent shall remain available until September 30, 2009: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (3) a reprogramming of funds pursuant to section 615 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the Committees on Appropriations that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That of the amount provided by this paragraph, $468,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $30,430,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $88,425,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $10,940,000: Provided, That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses 45 days after submission to the Committees on Appropriations of a report detailing obligations, expenditures and associated activities for fiscal years 2005, 2006 and 2007, including any unobligated funds which expired at the end of each fiscal year and the justification for why such funds were not obligated.

Of the funds made available in the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, Public Law 109–108, as continued by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), for the International Joint Commission (119 Stat. 2323), $300,000 for the Lake Champlain Basin Program shall remain available for the purposes intended until September 30, 2009.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $26,527,000: Provided, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324: Provided further, That funds appropriated under this heading shall be available for programs in the amounts contained in the table included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) accompanying this Act and no proposal for deviation from those amounts shall be considered.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $15,500,000, to remain available until expended, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2008, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2008, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2008, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $19,500,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

RELATED AGENCIES

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $676,727,000: Provided, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes: Provided further, That of the amount provided by this paragraph, $12,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,748,000, to remain available until expended, as authorized.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,300,000, to remain available until September 30, 2009.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,370,000, to remain available until September 30, 2009.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2009.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2009: Provided, That the Commission shall submit a spending plan to the Committees on Appropriations no later than March 1, 2008 which effectively addresses the recommendations of the Government Accountability Office's audit of the Commission (GAO–07–1128): Provided further, That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: Provided further, That for purposes of costs relating to printing and binding, the Commission shall be deemed, effective on the date of its establishment, to be a committee of Congress: Provided further, That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5314 of title 5, United States Code: Provided further, That section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, is amended by striking ''June'' and inserting ''December'': Provided further, That travel by members of the Commission and its staff shall be arranged and conducted under the rules and procedures applying to travel by members of the House of Representatives and its staff.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108–99; 118 Stat. 448), $150,000, to remain available until September 30, 2009.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $25,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS TITLE

ALLOWANCES AND DIFFERENTIALS

SEC. 101. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 102. The Department of State and the Broadcasting Board of Governors shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

EMBASSY CONSTRUCTION

SEC. 103. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (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–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

PEACEKEEPING MISSIONS

SEC. 104. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

DENIAL OF VISAS

SEC. 105. (a) None of the funds appropriated or otherwise made available under title I of this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2008.

SENIOR POLICY OPERATING GROUP

SEC. 106. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for Department of State and Related Agencies shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

UNITED STATES CITIZENS BORN IN JERUSALEM

SEC. 107. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

CONSULTING SERVICES

SEC. 108. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

COMPLIANCE WITH SECTION 609

SEC. 109. (a) None of the funds appropriated or otherwise made available under title I of this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2008.

STATE DEPARTMENT AUTHORITIES

SEC. 110. Funds appropriated under title I of this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

PERSONNEL ACTIONS

SEC. 111. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 615 of title VI of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 112. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

PEACEKEEPING ASSESSMENT

SEC. 113. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, (22 U.S.C. 287e note) is amended at the end by adding the following: ''(v) For assessments made during calendar year 2008, 27.1 percent.''.

ALHURRA BROADCASTING

SEC. 114. Funds appropriated for the programs and activities of Alhurra in fiscal year 2008 may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that Alhurra does not advocate on behalf of any organization that the Secretary knows, or has reason to believe, engages in terrorist activities.

DEPARTMENT OF STATE INSPECTOR GENERAL

SEC. 115. (a) LINK TO OFFICE OF INSPECTOR GENERAL FROM HOMEPAGE OF DEPARTMENT OF STATE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall establish and maintain on the homepage of the Internet website of the Department of State a direct link to the Internet website of the Office of Inspector General of the Department of State.

(b) ANONYMOUS REPORTING OF WASTE, FRAUD, OR ABUSE.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of State shall establish and maintain on the homepage of the Internet website of the Office of Inspector General a mechanism by which individuals can anonymously report cases of waste, fraud, or abuse with respect to the Department of State.

CONSULAR OPERATIONS

SEC. 116. The Secretary of State shall establish limited consular operations in Iraq within 180 days of enactment of this Act in which designated categories of aliens may apply and interview for admission to the United States.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

SEC. 117. Of the funds appropriated in this Act under the heading ''International Boundary and Water Commission, United States and Mexico, Construction'' (IBWC), up to $66,000,000 may be expended for construction of secondary wastewater treatment capability of at least 25 million gallons per day (mgd) from the Tijuana River, subject to the following conditions: (1) IBWC shall resume negotiations in accordance with section 804 of Public Law 106–457; (2)

IBWC shall prepare design and engineering plans to upgrade the South Bay International Wastewater Treatment Plant to treat 25 mgd to secondary treatment and update its conceptual designs for a scalable project capable of treating up to 100 mgd to secondary at the facility; and (3) none of the funds made available by this section may be obligated for construction before the Government Accountability Office completes a report on the proposed projects.

COMMISSION FINANCIAL MANAGEMENT

SEC. 118. (a) REQUIREMENT FOR PERFORMANCE REVIEWS.—The United States-China Economic and Security Review Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals.

(b) LIMITATION ON CASH AWARDS.—The United States-China Economic and Security Review Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards.

TITLE II

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $1,000,000, to remain available until September 30, 2009.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2008: Provided further, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy and environmentally beneficial products and services.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $68,000,000, to remain available until September 30, 2011: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2026, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2008, 2009, 2010, and 2011: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $78,000,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2008.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: Provided further, That amounts collected in fiscal year 2008 in excess of obligations, up to $50,000,000, shall become available October 1, 2008 and shall remain available until September 30, 2011.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $47,500,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $23,500,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2008, 2009, and 2010: Provided further, That funds so obligated in fiscal year 2008 remain available for disbursement through 2016; funds obligated in fiscal year 2009 remain available for disbursement through 2017; funds obligated in fiscal year 2010 remain available for disbursement through 2018: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,400,000, to remain available until September 30, 2009.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2008, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $1,843,150,000, to remain available until September 30, 2009, and which shall be apportioned directly to the United States Agency for International Development: Provided, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this paragraph, not to exceed $350,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That of the funds appropriated under this paragraph the following amounts should be allocated as follows: $450,150,000 for child survival and maternal health; $15,000,000 for vulnerable children; $350,000,000 for HIV/AIDS; $633,000,000 for other infectious diseases, including $153,000,000 for tuberculosis control, of which $15,000,000 shall be used for the Global TB Drug Facility; and $395,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this paragraph, $72,500,000 should be made available for a United States contribution to The GAVI Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the United States Agency for International Development'' for costs directly related to global health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: Provided further, That of the funds appropriated under this paragraph, $115,000,000 shall be made available to combat avian influenza, of which $15,000,000 shall be made available, notwithstanding any other provision of law except

section 551 of Public Law 109–102, to enhance the preparedness of militaries in Asia and Africa to respond to an avian influenza pandemic, subject to the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That any determination made under the previous proviso must be made no later than six months after the date of enactment of this Act, and must be accompanied by a comprehensive analysis as well as the complete evidence and criteria utilized to make the determination: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use: Provided further, That of the amount provided by this paragraph, $115,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $4,700,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: Provided, That of the funds appropriated under this paragraph, $550,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2008 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this paragraph, up to $13,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the Global AIDS Coordinator: Provided further, That funds made available under this heading shall be made available notwithstanding the second sentence of section 403(a) of Public Law 108–25.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,636,881,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $43,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That $400,000,000 should be allocated for basic education: Provided further, That of the funds appropriated by this Act, not less than $245,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: Provided further, That of the funds appropriated under this heading, not less than $28,000,000 shall be made available for Collaborative Research Support Programs: Provided further, That of the funds appropriated under this heading, $750,000 shall be made available to implement 7 U.S.C. section 1736g–2(a)(2)(C) to improve food aid product quality and nutrient delivery: Provided further, That of the funds appropriated under this heading, not less than $22,500,000 shall be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, $12,000,000 should be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: Provided further, That funds appropriated under this heading should be made available for programs to address sexual and gender-based violence: Provided further, That of the funds appropriated in this Act, not less than $300,000,000 shall be made available for safe drinking water and sanitation supply projects, including water management related to safe drinking water and sanitation, only to implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121), of which not less than $125,000,000 should be made available for such projects in Africa: Provided further, That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries, and $10,000,000 may be made available to support a fund that enhances economic opportunities for very poor, poor, and low-income women in developing countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $432,350,000, to remain available until expended, of which $20,000,000 should be for famine prevention and relief: Provided further, That of the amount provided by this paragraph, $110,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $45,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the President determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made

available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,160,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided, That funds made available under this heading shall remain available until September 30, 2010.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $655,800,000, of which up to $25,000,000 may remain available until September 30, 2009: Provided, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2009: Provided further, That any decision to open a new overseas mission or office of the United States Agency for International Development or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses of the United States Agency for International Development'' in accordance with the provisions of those sections: Provided further, That of the amount provided by this paragraph, $20,800,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

CAPITAL INVESTMENT FUND OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $88,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $38,000,000, to remain available until September 30, 2009, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $2,994,823,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, not less than $415,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That with respect to the provision of assistance for Egypt for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: Provided further, That of the funds appropriated under this heading for assistance for Egypt, not less than $135,000,000 shall be made available for project assistance, of which not less than $20,000,000 shall be made available for democracy, human rights and governance programs and not less than $50,000,000 shall be used for education programs, of which not less than $10,000,000 should be made available for scholarships for Egyptian students with high financial need to attend United States accredited institutions of higher education in Egypt: Provided further, That $11,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That of the funds appropriated under this heading, not less than $363,547,000 shall be made available only for assistance for Jordan: Provided further, That of the funds appropriated under this heading that are made available for assistance for Jordan, up to $40,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Debt Restructuring'' for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of reducing or cancelling amounts owed to the United States or any agency of the United States by the Hashemite Kingdom of Jordan: Provided further, That of the funds appropriated under this heading not more than $218,500,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed $2,000,000 may be used for administrative expenses of the United States Agency for International Development, in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: Provided further, That if the President exercises the waiver authority under section 650 of this Act, of the funds made available under this heading for assistance to the Palestinian Authority, not more than $100,000,000 of the funds made available under this heading for cash transfer assistance to the Palestinian Authority may be obligated for such assistance until the Secretary of State certifies and reports to the Committees on Appropriations that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, has eliminated all parallel financing mechanisms outside of the Palestinian Authority treasury account, and has established a single comprehensive civil service roster and payroll: Provided further, That none of the funds appropriated under this heading for cash transfer assistance to the Palestinian Authority may be obligated for salaries of personnel of the Palestinian Authority located in Gaza: Provided further, That none of the funds appropriated under this heading for cash transfer assistance to the Palestinian Authority may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government with Hamas unless Hamas has accepted the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: Provided further, That the Secretary of State shall ensure that Federal or non-Federal audits of all funds appropriated under this heading for cash transfer assistance to the Palestinian Authority are conducted on at least an annual basis to ensure compliance with this Act, and such audit shall include a detailed accounting of all programs, projects, and activities carried out using such funds, including both obligations and expenditures, and that the audit is compliant with generally accepted accounting standards: Provided further, That funds made available under this heading for cash transfer assistance to the Palestinian Authority shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That $45,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $10,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: Provided further, That not more than $300,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance until the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and provincial level is cooperating fully with United States funded poppy eradication and interdiction efforts in Afghanistan: Provided further, That the President may waive the previous proviso if he determines and reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States: Provided further, That such report shall include an analysis of the steps being taken by the Government of Afghanistan, at the national and provincial level, to cooperate fully with United States funded poppy eradication and interdiction efforts in Afghanistan: Provided further, That of the funds appropriated under this heading, $196,000,000 shall be apportioned directly to the United States Agency for International Development (USAID) for alternative development/institution building and sustainable development programs in Colombia and may be transferred to, and merged with, funds appropriated under the heading ''Development Assistance'' to continue programs administered by USAID: Provided further, That with respect to funds apportioned to USAID for programs in Colombia under this heading, the responsibility for policy decisions for the use of such funds, including which activities will be funded and the amount of funds that will be provided for each of those activities, shall be the responsibility of the Administrator of USAID in consultation with the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs: Provided further, That of the funds appropriated under this heading that are available for assistance for the Democratic Republic of Timor-Leste, up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development in addition to amounts otherwise made available for such purposes: Provided further,

That notwithstanding any other provision of law, funds appropriated under this heading may be made available for programs and activities for the Central Highlands of Vietnam: Provided further, That notwithstanding any other provision of law, of the funds appropriated under this heading, up to $53,000,000 may be made available for energy-related assistance for North Korea, subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the amount provided by this paragraph, $542,568,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $15,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2009.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $295,950,000, to remain available until September 30, 2009, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 628 of this Act shall apply to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 628 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy SEED Act of 1989.

(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $399,735,000, to remain available until September 30, 2009: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That funds made available for the Southern Caucasus region may be used, notwithstanding any other provision of law, for confidence-building measures and other activities in furtherance of the peaceful resolution of regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $21,000,000, to remain available until September 30, 2009.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $30,000,000, to remain available until September 30, 2009: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, (1) in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and (2) a project may exceed the limitation by up to $10,000 if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $333,500,000, to remain available until September 30, 2009: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $2,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $1,557,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, up to $88,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2008: Provided further, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: Provided further, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact.

DEPARTMENT OF STATE

DEMOCRACY FUND

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $164,000,000, of which the following amounts shall be made available, subject to the regular notification procedures of the Committees on Appropriations, until September 30, 2010—

(1) $64,000,000 for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, of which $15,000,000 shall be for democracy and rule of law programs in the People's Republic of China, Hong Kong, and Taiwan: Provided, That assistance for Taiwan should be matched from sources other than the United States Government: Provided further, That $5,000,000 shall be made available for programs and activities for the promotion of democracy in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided further, That funds used for such purposes should support new initiatives and activities in those countries: Provided further, That $15,000,000 shall be made available for an internet freedom initiative to expand access and information in closed societies, including in the Middle East and Asia: Provided further, That the Department of State shall consult with the Committees on Appropriations prior to the initial obligation of funds made available pursuant to the previous proviso; and

(2) $100,000,000 for the National Endowment for Democracy: Provided, That of the funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', ''Assistance for Eastern Europe and the Baltic States'', and ''Assistance for the Independent States of the Former Soviet Union'', an additional $11,000,000 should be made available to support the ongoing programs and activities of the National Endowment for Democracy.

(b) Funds appropriated by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law and, with regard to the National Endowment for Democracy, any regulation. Funds appropriated under this heading are in addition to funds otherwise available for such purposes.

(c) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(d) Any contract, grant or cooperative agreement (or any amendment to any contract, grant, or cooperative agreement) in excess of $2,500,000 for the promotion of democracy under this Act shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $558,449,000, to remain available until September 30, 2010: Provided, That during fiscal year 2008, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That none of the funds provided under this heading for counter narcotics activities in Afghanistan shall be made available for eradication programs through the aerial spraying of herbicides: Provided further, That of the funds appropriated under this heading, not less than $39,750,000 shall be made available for judicial, human rights, rule of law and related activities for Colombia, of which not less than $20,000,000 shall be made available for the Office of the Attorney General, of which $5,000,000 shall be for the Human Rights Unit, $5,000,000 shall be for the Justice and Peace Unit, $7,000,000 shall be used to support a witness protection program for victims of armed groups, and $3,000,000 shall be for investigations of mass graves and identification of remains: Provided further, That of the funds appropriated under this heading that are available for assistance for Colombia, $8,000,000 shall be available for human rights activities, $5,500,000 shall be available for judicial reform, $3,000,000 shall be for the Office of the Procuraduria General de la Nacion, $2,000,000 shall be for the Office of the Defensoria del Pueblo, and $750,000 should be made available for a United States contribution to the Office of the United Nations High Commissioner for Human Rights in Colombia to support monitoring and public reporting of human rights conditions in the field: Provided further, That of the funds appropriated under this heading, not more than $38,000,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $327,460,000, to remain available until September 30, 2010: Provided, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available to the Department of State for assistance to the Government of Colombia in this Act may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary organizations, illegal self-defense groups, illegal security cooperatives, or other criminal, guerrilla or successor armed groups or organizations: Provided further, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That rotary and fixed wing aircraft supported with funds appropriated under this heading for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo: Provided further, That of the funds appropriated under this heading that are available for Colombia, up to $2,500,000 shall be transferred to, and merged with, funds appropriated under the heading ''Foreign Military Financing Program'' and shall be made available only for assistance for the Colombian Armed Forces to provide security for manual eradication programs and up to $2,500,000 shall be transferred to, and merged with, funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' and shall be made available only for assistance for the Colombian National Police to provide security for manual eradication programs: Provided further, That of the funds available for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment including endemic species: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such aerial eradication are thoroughly evaluated and fair compensation is being paid in a timely manner for meritorious claims: Provided further, That the Secretary shall submit a report to the Committees on Appropriations detailing all claims, evaluations, and compensation paid during the twelve month period prior to the date of enactment of this Act: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: Provided further, That none of the funds appropriated by this Act shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: Provided further, That funds appropriated by this Act may be used for aerial eradication in Colombia's national parks or reserves only if the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws: Provided further, That funds appropriated under this heading that are made available for assistance for the Bolivian military and police may be made available for such purposes only if the Secretary of State certifies to the Committees on Appropriations that the Bolivian military and police are respecting human rights and cooperating fully with investigations and prosecutions by civilian judicial authorities of military and police personnel who have been implicated in gross violations of human rights: Provided further, That of the funds appropriated under this heading, not more than $17,000,000 may be available for administrative expenses of the Department of State, and not more than $7,800,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,029,900,000, to remain available until expended: Provided, That not more than $23,000,000 may be available for administrative expenses: Provided further, That not less than $40,000,000 of the funds made available under this heading shall be made available for refugees resettling in Israel: Provided further, That funds made available under this heading shall be made available for assistance for refugees from North Korea: Provided further, That of the amount provided by this paragraph, $200,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $45,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $487,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented

through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed $34,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That of the funds appropriated under this heading, not less than $26,000,000 shall be made available for the Biosecurity Engagement Program: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2009.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $20,400,000, to remain available until September 30, 2010, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $30,300,000, to remain available until September 30, 2010: Provided, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE IV

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $85,877,000, of which up to $3,000,000 may remain available until expended: Provided, That funds appropriated under this heading shall not be available for Equatorial Guinea: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Guinea, Libya, and Nepal may be made available only for expanded international military education and training: Provided further, That funds made available under this heading in the second proviso and for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Sri Lanka, Ethiopia, Bangladesh, Libya, Angola, and Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,588,325,000: Provided, That of the funds appropriated under this heading, not less than $2,400,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $631,200,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, $300,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not more than $53,000,000 shall be available for Colombia, of which $5,000,000 should be made available for medical and rehabilitation assistance, removal of landmines, and to enhance communications capabilities: Provided further, That of the funds appropriated under this heading, $3,655,000 may be made available for assistance for Morocco, and an additional $1,000,000 may be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Morocco is continuing to make progress on human rights, and is allowing all persons to advocate freely their views regarding the status and future of the Western Sahara through the exercise of their rights to peaceful expression, association and assembly and to document violations of human rights in that territory without harassment: Provided further, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That $4,000,000 of the funds appropriated under this heading shall be transferred to and merged with funds appropriated under the heading ''Diplomatic and Consular Programs'' to be made available to the Bureau of Democracy, Human Rights and Labor, Department of State, to ensure adequate monitoring of the uses of assistance made available under this heading in countries where such monitoring is most needed, in addition to amounts otherwise available for such purposes.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 615 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Haiti, Guatemala, Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Ethiopia, and Democratic Republic of the Congo except pursuant to the regular

notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $41,900,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $395,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2008 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2008 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: Provided further, That of the amount provided by this paragraph, $100,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $263,230,000: Provided, That of the funds made available under this heading, not less than $25,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations: Provided further, That of the amount provided by this paragraph, $35,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

TITLE V

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $81,763,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $950,000,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $75,153,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $2,037,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $31,918,770.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $135,684,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $10,159 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $18,072,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $319,485,000.

TITLE VI

GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 601. (a) No funds appropriated in titles II through V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS

SEC. 602. None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

LIMITATION ON RESIDENCE EXPENSES

SEC. 603. Of the funds appropriated or made available pursuant to title III of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNOBLIGATED BALANCES REPORT

SEC. 604. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 605. Of the funds appropriated or made available pursuant to titles II through V of this Act, not to exceed $250,000 shall be available for representation and entertainment allowances, of which not to exceed $4,000 shall be available for entertainment allowances, for the United States Agency for International Development during the current fiscal year: Provided, That no such entertainment funds may be used for the purposes listed in section 648 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $55,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $3,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $4,000 shall be available for representation and entertainment allowances: Provided further, That of the funds made available by this Act under the heading ''Millennium Challenge Corporation'', not to exceed $115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 606. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles II through V of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2008 on funds

appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2009 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 608. None of the funds appropriated or otherwise made available pursuant to titles II through V of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 609. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 615 (a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2008, for programs under title II of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President provides notification in accordance with the regular notification procedures of the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 610. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings ''Assistance for Eastern Europe and the Baltic States'' and ''Development Credit Authority'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 612. No part of any appropriation provided under titles II through V in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 613. (a) None of the funds appropriated or made available pursuant to titles II through V of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I

of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles II through V of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 615. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agencies or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V of this Act for ''Global Health and Child Survival'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Programs'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses of the United States Agency for International Development'', ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'' (by country only), ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this subsection shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III or IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 616. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles II through V of this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2009: Provided, That section 307(a) of the Foreign Assistance Act of 1961 is amended by striking ''Libya,''.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 617. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(c) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(e)(1) Of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 618. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the

performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 619. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) accompanying this Act:

''Educational and Cultural Exchange Programs''.

''American Sections, International Commissions''.

''International Broadcasting Operations''.

''Global Health and Child Survival''.

''Economic Support Fund''.

''Assistance for Eastern Europe and the Baltic States''.

''Assistance for the Independent States of the Former Soviet Union''.

''Democracy Fund''.

''International Narcotics Control and Law Enforcement''.

''Andean Counterdrug Programs''.

''Nonproliferation, Anti-Terrorism, Demining and Related Programs''.

''Foreign Military Financing Program''.

''Peacekeeping Operations''.

''International Organizations and Programs''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 620. None of the funds appropriated under titles II through V of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Mexico, Nepal, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 621. For the purpose of titles II through V of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

GLOBAL HEALTH AND CHILD SURVIVAL ACTIVITIES

SEC. 622. Up to $13,500,000 of the funds made available by this Act in title III for assistance under the heading ''Global Health and Child Survival'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading ''Global Health and Child Survival'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided further, That of the funds appropriated under title III of this Act, not less than $461,000,000 shall be made available for family planning/reproductive health.

AFGHANISTAN

SEC. 623. Of the funds appropriated under titles III and IV of this Act, not less than $1,057,050,000 should be made available for assistance for Afghanistan: Provided, That of the funds made available pursuant to this section, $3,000,000 should be made available for reforestation activities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds allocated for assistance for Afghanistan from this Act not less than $75,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nonprofit organizations in Afghanistan: Provided further, That of the funds appropriated by this Act that are available for Afghanistan, $20,000,000 should be made available through United States universities to develop agriculture extension services for Afghan farmers, $2,000,000 should be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund, and not less than $10,000,000 should be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 624. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

GLOBAL FUND MANAGEMENT

SEC. 625. (a) Notwithstanding any other provision of this Act, 20 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the ''Global Fund'') shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(1) is releasing incremental disbursements only if grantees demonstrate progress against clearly defined performance indicators;

(2) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and Local Fund Agents (LFAs), to enable them to fulfill their mandates;

(3) has a full-time, professional, independent Office of Inspector General that is fully operational;

(4) requires LFAs to assess whether a principal recipient has the capacity to oversee the activities of sub-recipients;

(5) is making progress toward implementing a reporting system that breaks down grantee budget allocations by programmatic activity;

(6) has adopted and is implementing a policy to publish on a publicly available website the reports of the Global Fund's Inspector General in a manner that is consistent with the Policy for Disclosure of Reports of the Inspector General as approved at the 16th Meeting of the Board of the Global Fund to Fight AIDS, Tuberculosis and Malaria; and

(7) is tracking and encouraging the involvement of civil society, including faith-based organizations, in country coordinating mechanisms and program implementation.

(b) The Secretary of State shall submit a report to the Committees on Appropriations not later than 120 days after enactment of this Act on the involvement of faith-based organizations in Global Fund programs. The report shall include—

(1) on a country-by-country basis—

(A) a description of the amount of grants and sub-grants provided to faith-based organizations; and

(B) a detailed description of the involvement of faith-based organizations in the Country Coordinating Mechanism (CCM) process of the Global Fund; and

(2) a description of actions the Global Fund is taking to enhance the involvement of faith-based organizations in the CCM process, particularly in countries in which the involvement of faith-based organizations has been underrepresented.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 626. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver

takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 627. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 628. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 629. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles II through V of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

FINANCIAL MARKET ASSISTANCE

SEC. 630. Of the funds appropriated by this Act under the headings ''Trade and Development Agency'', ''Development Assistance'', ''Transition Initiatives'', ''Economic Support Fund'', ''International Affairs Technical Assistance'', ''Assistance for the Independent States of the Former Soviet Union'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', and ''Assistance for Eastern Europe and Baltic States'', not less than $40,000,000 should be made available for building capital markets and financial systems in countries eligible to receive United States assistance.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 631. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 632. None of the funds appropriated under titles II through V of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 633. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal years 2005 and 2006, by Federal agency, for programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: Provided, That if required, information may be submitted in classified form.

SPECIAL AUTHORITIES

SEC. 634. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles II through V of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 612 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles II and III of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204

if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108–447; 118 Stat. 3038) is amended by striking ''2007'' and inserting ''2009''.

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(h) CHINA PROGRAMS.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''Development Assistance'' in this Act, not less than $10,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, democracy, and the rule of law: Provided, That funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(i) MIDDLE EAST FOUNDATION.—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) EXTENSION OF AUTHORITY.—Section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 2778 note) is amended by striking ''During the 16 year period beginning on October 23, 1992'' and inserting ''During the 22 year period beginning on October 23, 1992'' before the period at the end.

(k) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2007'' and inserting ''2007, and 2008''; and

(B) in subsection (e), by striking ''2007'' each place it appears and inserting ''2008''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2007'' and inserting ''2008''.

(l) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(m) CAPITAL SECURITY COST-SHARING.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''Embassy Security, Construction, and Maintenance'', not less than $2,000,000 shall be made available for the Capital Security Cost-Sharing fees of the Library of Congress.

(n) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive Order, funds appropriated by this Act and prior Acts making appropriations for foreign operations, export financing, and related programs under the headings ''Economic Support Fund'', ''Peacekeeping Operations'', ''International Disaster Assistance'', and ''Transition Initiatives'' should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: Provided further, That for the purposes of this subsection, ''International Disaster Assistance'' may also mean ''International Disaster and Famine Assistance'': Provided further, That for the purposes of this subsection the term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(o) NONGOVERNMENTAL ORGANIZATIONS.—With respect to the provision of assistance for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(p) PRISON CONDITIONS.—Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, may be used to provide assistance to improve conditions in prison facilities administered by foreign governments, including among other things, activities to improve prison sanitation and ensure the availability of adequate food, drinking water and medical care for prisoners: Provided, That assistance made available under this subsection may be made available notwithstanding section 660 of the Foreign Assistance Act of 1961, and subject to the regular notification procedures of the Committees on Appropriations.

(q) PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the funds appropriated by this Act under the heading, ''Economic Support Fund'', not less than $5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508, as amended).

(r) BROADCASTING BOARD OF GOVERNORS AUTHORITY.—Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(s) TRANSATLANTIC LEGISLATORS' DIALOGUE AUTHORITY.—Section 109(c) of Public Law 98–164 is amended by striking ''$50,000'' and inserting ''$100,000''.

(t) OPIC AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through April 1, 2008.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 635. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 636. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained under titles II through V of this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2008, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 637. (a) Funds appropriated under titles II through V of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act shall be extended for an

additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such designated funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

ASIA

SEC. 638. (a) FUNDING LEVELS.—Of the funds appropriated by this Act under the headings ''Global Health and Child Survival'' and ''Development Assistance'', not less than the amount of funds initially allocated for each such account pursuant to subsection 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2007 shall be made available for Cambodia, Philippines, Vietnam, Asia and Near East Regional, and Regional Development Mission/Asia: Provided, That for the purposes of this subsection, ''Global Health and Child Survival'' shall mean ''Child Survival and Health Programs Fund''.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $13,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That such funds may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading ''Migration and Refugee Assistance'' in this Act, not less than $3,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That funds made available under this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $5,000,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than $250,000 should be made available to the National Endowment for Democracy for human rights and democracy programs relating to Tibet.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 639. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 640. None of the funds appropriated or made available pursuant to titles II through V of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

REQUESTS FOR DOCUMENTS

SEC. 641. None of the funds appropriated or made available pursuant to titles II through V of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 642. (a) None of the funds appropriated or otherwise made available by titles II through V of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 643. (a) Subject to subsection (c), of the funds appropriated under titles II through V by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2007.

(3) The term ''unpaid property taxes'' means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 644. None of the funds appropriated under titles II through V of this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 645. If the President determines that doing so will contribute to a just resolution of

charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES AND CLUSTER MUNITIONS

SEC. 646. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) CLUSTER MUNITIONS.—During the current fiscal year, no military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher tested rate; and

(2) the agreement applicable to the assistance, transfer, or sale of the cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 647. None of the funds appropriated under titles II through V of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 648. None of the funds appropriated or otherwise made available under titles III or IV of this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health and Child Survival'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

COLOMBIA

SEC. 649. (a) ASSISTANCE FOR COLOMBIA.—Of the funds appropriated in titles III and IV of this Act, not more than $545,608,000 shall be available for assistance for Colombia.

(b) FUNDING AMOUNTS AND NOTIFICATION.—Funds appropriated by this Act that are available for assistance for Colombia shall be made available in the amounts indicated in the table in the accompanying explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and any proposed increases or decreases to the amounts contained in such table shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) ASSISTANCE FOR THE COLOMBIAN ARMED FORCES.—

(1) FUNDING.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(A) Up to 70 percent of such funds may be obligated prior to the certification and report by the Secretary of State pursuant to subparagraph (B).

(B) Up to 15 percent of such funds may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations that the Government of Colombia is meeting the requirements described in paragraph (2).

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are as follows:

(A) The Commander General of the Colombian Armed Forces is suspending or placing on administrative duty, if requested by the prosecutor, those members of the Armed Forces, of whatever rank, who, according to the Minister of Defense, the Attorney General or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations or successor armed groups.

(B) The Government of Colombia is investigating and prosecuting, in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations or successor armed groups.

(C) The Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have taken all necessary steps to sever links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at all levels, with paramilitary organizations or successor armed groups, especially in regions where such organizations have a significant presence.

(E) The Government of Colombia is dismantling paramilitary leadership and financial networks by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided or abetted paramilitary organizations or successor armed groups; by identifying and seizing land and other assets illegally acquired by such organizations or their associates and returning such land or assets to their rightful occupants or owners; by revoking reduced sentences for demobilized paramilitaries who engage in new criminal activity; and by arresting and prosecuting under civilian criminal law, and when requested, promptly extraditing to the United States members of successor armed groups.

(F) The Government of Colombia is ensuring that the Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous and Afro-Colombian communities, and that the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.

(3) The balance of such funds may be obligated after July 31, 2008, if, before such date, the Secretary of State consults with, and submits a written certification to, the Committees on Appropriations that the Colombian Armed Forces are continuing to meet the requirements described in paragraph (2) and are conducting vigorous operations to restore civilian government authority and respect for human rights in areas under the effective control of paramilitary organizations or successor armed groups and guerrilla organizations.

(4) CERTAIN FUNDS EXEMPTED.—The requirement to withhold funds from obligation shall not apply with respect to funds made available under the heading ''Andean Counterdrug Programs'' for continued support for the Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(5) REPORT.—At the time the Secretary of State submits certifications pursuant to paragraphs (1)(B) and (3) of this subsection, the Secretary shall also submit to the Committees on Appropriations a report that contains, with respect to each such paragraph, a detailed description of the specific actions taken by both the Colombian Government and Colombian Armed Forces which support each requirement of the certification, and the cases or issues brought to the attention of the Secretary, including through the Department of State's annual Country Reports on Human Rights Practices, for which the actions taken by the Colombian Government or Armed Forces have been determined by the Secretary of State to be inadequate.

(d) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2008, the Secretary of State shall consult with Colombian and internationally recognized human rights organizations regarding progress in meeting the requirements contained in subsection (c)(2).

(e) ASSISTANCE FOR DEMOBILIZATION AND DISARMAMENT OF FORMER COMBATANTS IN COLOMBIA.—

(1) AVAILABILITY OF FUNDS.—Of the funds appropriated in this Act under the heading ''Economic Support Fund'', up to $11,442,000 may be made available in fiscal year 2008 for assistance for the disarmament, demobilization and reintegration of former members of foreign terrorist organizations (FTOs) in Colombia, if the Secretary of State consults with and makes a certification described in paragraph (2) to the Committees on Appropriations prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(2) CERTIFICATION.—A certification described in this subsection is a certification that—

(A) assistance for the fiscal year will be provided only for individuals who have: (i) verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups; (ii) are meeting all the requirements of the Colombia demobilization program, including having disclosed their involvement in past crimes and their knowledge of the FTO's structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared; and (iii) are not involved in acts of intimidation or violence;

(B) the Government of Colombia is providing full cooperation to the Government of the United States to extradite the leaders and members of the FTOs who have been indicted in the United States for murder, kidnapping, narcotics trafficking, or other violations of United States law, and is extraditing to the United States those commanders, leaders and members indicted in the United States who have breached the terms of the Colombian demobilization program, including by failing to fully confess their crimes, failing to disclose their illegal assets, or committing new crimes since the approval of the Justice and Peace Law;

(C) the Government of Colombia is not knowingly taking any steps to legalize the titles of land or other assets illegally obtained and held by FTOs, their associates, or successors, has established effective procedures to identify such land and other assets, and is seizing and returning such land and other assets to their rightful occupants or owners;

(D) the Government of Colombia is implementing a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations; and

(E) funds shall not be made available as cash payments to individuals and are available only for activities under the following categories: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

(f) ILLEGAL ARMED GROUPS.—

(1) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to paragraph (2), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(A) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), or successor armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(B) has committed, ordered, incited, assisted, or otherwise participated in the commission of a gross violation of human rights, including extrajudicial killings, in Colombia.

(2) WAIVER.—Paragraph (1) shall not apply if the Secretary of State certifies to the Committees on Appropriations, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

(g) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary or successor armed groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and illegal security cooperatives, including those groups and cooperatives that have formerly demobilized but continue illegal operations, as well as parts thereof.

(3) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 650. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed. The report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 651. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding the following section:

''SEC. 620J. LIMITATION ON ASSISTANCE TO SECURITY FORCES.

''(a) IN GENERAL.—No assistance shall be furnished under this Act or the Arms Export Control Act to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights.

''(b) EXCEPTION.—The prohibition in subsection (a) shall not apply if the Secretary determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

''(c) DUTY TO INFORM.—In the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.''.

FOREIGN MILITARY TRAINING REPORT

SEC. 652. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 653. Funds appropriated by this Act, except funds appropriated under the headings ''Trade and Development Agency'' and ''Overseas Private Investment Corporation'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

LIBYA

SEC. 654. (a) None of the funds appropriated or otherwise made available by this Act shall be obligated or expended to finance directly any assistance for Libya.

(b) The prohibition of subsection (a) shall no longer apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Libya has made the final settlement payments to the Pan Am 103 victims' families, paid to the LaBelle Disco bombing victims the agreed upon settlement amounts, and is engaging in good faith settlement discussions regarding other relevant terrorism cases.

(c) Not later than 180 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations describing (1) actions taken by the Department of State to facilitate a resolution of these cases; and (2) United States commercial activities in Libya's energy sector.

PALESTINIAN STATEHOOD

SEC. 655. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles II through V of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 650 of this Act (''Limitation on Assistance to the Palestinian Authority'').

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 656. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

WEST BANK AND GAZA ASSISTANCE

SEC. 657. (a) OVERSIGHT.—For fiscal year 2008, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have

as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which she has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles II through V of this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) 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 sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 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 this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2008 under the heading ''Economic Support Fund''. The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

WAR CRIMINALS

SEC. 658. (a)(1) None of the funds appropriated or otherwise made available under titles II through V of this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the ''Tribunal'') all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section:

(1) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term ''municipality'' means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 659. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

CONTRIBUTION TO THE UNITED NATIONS POPULATION FUND

SEC. 660. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under ''International Organizations and Programs'' and ''Global Health and Child Survival'' accounts for fiscal year 2008, $40,000,000 shall be made available for the United Nations Population Fund (UNFPA): Provided, That of this amount, not less than $7,000,000 shall be derived from funds appropriated under the heading ''International Organizations and Programs''.

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health and Child Survival'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under this Act for UNFPA may not be made available to UNFPA unless—

(1) UNFPA maintains amounts made available to UNFPA under this section in an account separate from other accounts of UNFPA;

(2) UNFPA does not commingle amounts made available to UNFPA under this section with other sums; and

(3) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) Nothing in this section shall be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 661. (a) AUTHORITY.—Funds made available by title III of this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 662. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 663. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

BASIC EDUCATION

SEC. 664. (a) IN GENERAL.—Of the funds appropriated by title III of this Act, not less than $700,000,000 shall be made available for assistance for developing countries for basic education, of which not less than $190,000,000 shall be provided and implemented in countries that have an approved national education plan.

(b) COORDINATOR.—There shall be established within the Department of State in the immediate office of the Director of United States Foreign Assistance, a Coordinator of United States Government activities to provide basic education assistance in developing countries (hereinafter in this section referred to as the ''Coordinator'').

(c) RESPONSIBILITIES.—That the Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government that provide assistance in developing countries for basic education. The individual serving as the Coordinator may not hold any other position in the Federal Government during the individual's time of service as Coordinator.

(d) STRATEGY.—The President shall develop a comprehensive integrated United States Government strategy to provide assistance in developing countries for basic education within 90 days of enactment of this Act.

(e) REPORT TO CONGRESS.—Not later than September 30, 2008, the Secretary of State shall report to the Committees on Appropriations on the implementation of United States Government assistance programs in developing countries for basic education.

(f) Funds appropriated by title II of Public Law 109–102 and provided to the Comptroller General pursuant to section 567 of that Act shall be available until expended and are also available to the Comptroller General to conduct further evaluations of basic education programs in developing countries under the direction of the Committees on Appropriations.

RECONCILIATION PROGRAMS

SEC. 665. Of the funds appropriated by title III of this Act under the heading ''Economic Support Fund'', $16,000,000 shall be made available to support reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil conflict and war, and an additional $9,000,000 shall be made available to support programs in the Middle East: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

SUDAN

SEC. 666. (a) LIMITATION ON ASSISTANCE.—Subject to subsection (b):

(1) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(b) Subsection (a) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(1) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias.

(2) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous ceasefire agreements.

(3) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(c) EXCEPTIONS.—The provisions of subsection (a) shall not apply to—

(1) humanitarian assistance;

(2) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(3) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(d) DEFINITIONS.—For the purposes of this Act, the term ''Government of Sudan'' shall not include the Government of Southern Sudan.

(e) Notwithstanding any other law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CRF 120.1 et seq.) if the Secretary of State—

(1) determines that the provision of such items is in the national interest of the United States; and

(2) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations and the Committee on Foreign Relations in the Senate and the Committee on Foreign Affairs in the House of Representatives of such determination.

(f) CHAD.—Notwithstanding any other provision of law, of the funds appropriated by this Act for assistance for Sudan, up to $5,000,000 shall be made available for administrative and other expenses of the United States Agency for International Development in Chad.

TRADE CAPACITY BUILDING

SEC. 667. Of the funds appropriated by this Act, under the headings ''Development Assistance'', ''Assistance for Eastern Europe and the

Baltic States'', ''Economic Support Fund'', ''Andean Counterdrug Programs'', and ''Assistance for the Independent States of the Former Soviet Union'', not less than $550,000,000 should be made available for trade capacity building assistance.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 668. (a) PUBLIC DISCLOSURE.—Ten percent of the funds appropriated in this Act under the heading ''International Organizations and Programs'' for a contribution to any United Nations agency may be withheld from disbursement if the Secretary of State reports to the Committees on Appropriations that such agency does not have or is not implementing a policy of posting on a publicly available website information such as (1) audits, budget reports, and information related to procurement activities; (2) procedures for protecting whistleblowers; and (3) efforts to ensure the independence of internal oversight bodies, adopt international public sector accounting standards, and limit administrative costs.

(b) UNITED NATIONS DEVELOPMENT PROGRAM.—Twenty percent of the funds appropriated by this Act under the heading ''International Organizations and Programs'' for a United States contribution to the United Nations Development Program (UNDP) shall be withheld from disbursement until the Secretary of State reports to the Committees on Appropriations that UNDP is—

(1) giving adequate access to information to the Department of State regarding UNDP's programs and activities as requested, including in North Korea and Burma;

(2) conducting oversight of UNDP programs and activities globally; and

(3) implementing a whistleblower protection policy equivalent to that recommended by the United Nations Secretary General on December 3, 2007.

(c)(1) WORLD BANK.—Ten percent of the funds appropriated by this Act under the heading ''International Development Association'' shall be withheld from disbursement until the Secretary of the Treasury reports to the Committees on Appropriations that—

(A) the World Bank has made publicly available, in an appropriate manner, financial disclosure forms of senior World Bank personnel, including those at the level of managing director, vice president, and above;

(B) the World Bank has established a plan and maintains a schedule for conducting regular, independent audits of internal management controls and procedures for meeting operational objectives, and is making reports describing the scope and findings of such audits available to the public;

(C) the World Bank is adequately staffing and sufficiently funding the Department of Institutional Integrity;

(D) the World Bank has made publicly available the reports of the Department of Institutional Integrity, and any subsequent review of corrective actions for such reports, including, but not limited to, the November 23, 2005 ''Report of Investigation into Reproductive and Child Health I Project Credit N0180 India'', and the May 2006 report on Credit Number 3703 DRC, Grant number H193 DRC, and Grant number H010 DRC; and

(E) the World Bank is implementing the recommendations of the ''Volcker Panel'' report in a timely manner.

(2) ANTICORRUPTION PROVISIONS.—In addition to the funds withheld in subsection (b)(1), 10 percent of the funds appropriated by this Act under the heading ''International Development Association'' shall be withheld from disbursement until the Secretary of the Treasury reports to the Committees on Appropriations on the extent to which the World Bank has completed the following:

(A) World Bank procurement guidelines, including the World Bank's Standard Bidding Documents, have been applied to all procurement financed in whole or in part by a loan from the World Bank or a credit agreement or grant from the International Development Association (IDA);

(B) the World Bank maintains a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and World Bank projects;

(C) thresholds for international competitive bidding have been established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers;

(D) the World Bank is consulting with the appropriate private and public sector representatives regarding implementation of the country procurement pilots outlined in the June 2007 report to the Board; and

(E) all countries selected for the procurement pilot program must adhere to all World Bank anti-fraud and anti-corruption policies and must demonstrate a strong anti-fraud enforcement record.

(d) REPORT.—

(1)(A) The Comptroller General of the United States shall conduct an assessment of the programs and activities funded under the heading ''Millennium Challenge Corporation'' (MCC) in this Act and prior Acts making appropriations for foreign operations, export financing, and related programs to include a review of the financial controls and procurement practices of the Corporation and its accountable entities, and the results achieved by MCC's compacts.

(B) Of the funds appropriated under the heading ''Millennium Challenge Corporation'' in this Act, up to $250,000 shall be made available to the Comptroller for the requirements of subsection (1)(A).

(2)(A) The Comptroller General of the United States shall conduct an assessment of the HIV/AIDS programs and activities funded under the headings ''Child Survival and Health Programs Fund'', ''Global HIV/AIDS Initiative'', and ''Global Health and Child Survival'' in this Act and prior Acts making appropriations for foreign operations, export financing, and related programs to include a review of the procurement and results monitoring activities of United States bilateral HIV/AIDS programs. The assessment should also address the impact of Global HIV/AIDS Initiative funding on other United States global health programming.

(B) Of the funds appropriated under the heading ''Global Health and Child Survival'', up to $125,000 shall be made available to the Comptroller for the requirements of subsection (2)(A).

(e) NATIONAL BUDGET TRANSPARENCY.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of any country that fails to make publicly available on an annual basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive subsection (e)(1) if the Secretary reports to the Committees on Appropriations that to do so is in the national interests of the United States.

(3) The reporting requirement pursuant to section 585(b) of Public Law 108–7 regarding fiscal transparency and accountability in countries whose central governments receive United States foreign assistance shall apply to this Act.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 669. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2008, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.

GENDER-BASED VIOLENCE

SEC. 670. Programs funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials, shall include, where appropriate, programs and activities that address gender-based violence.

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. 671. (a) None of the funds made available in this Act under the heading ''Economic Support Fund'' may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(b) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization (NATO) member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), Taiwan, or such other country as he may determine if he determines and reports to the appropriate congressional committees that it is important to the national interests of the United States to waive such prohibition.

(c) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

WESTERN HEMISPHERE

SEC. 672. (a) CENTRAL AND SOUTH AMERICA.—Of the funds appropriated by this Act under the headings ''Global Health and Child Survival'' and ''Development Assistance'', not less than the amount of funds initially allocated for each such account pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2007 shall be made available for El Salvador, Guatemala, Nicaragua, Honduras, Ecuador, Peru, Bolivia, Brazil, Latin America and Caribbean Regional, Central America Regional, and South America Regional: Provided, That for the purposes of this subsection, ''Global Health and Child Survival'' shall mean ''Child Survival and Health Programs Fund''.

(b) HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than $201,584,000 shall be available for assistance for Haiti.

(3) None of the funds made available by this Act under the heading ''International Narcotics Control and Law Enforcement'' may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State certifies to the Committees on

Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, have been suspended and the Haitian Government is cooperating in a reform and restructuring plan for the Haitian National Police and the reform of the judicial system as called for in United Nations Security Council Resolution 1608 adopted on June 22, 2005.

(c) DOMINICAN REPUBLIC.—Of the funds appropriated by this Act under the headings ''Global Health and Child Survival'' and ''Development Assistance'', not less than $23,000,000 shall be made available for assistance for the Dominican Republic, of which not less than $5,000,000 shall be made available for basic health care, nutrition, sanitation, education, and shelter for migrant workers and other residents of batey communities.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for Guatemala, not less than $4,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated by this Act under the heading ''International Military Education and Training'' (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: Provided, That assistance for the Guatemalan Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: Provided further, That such funds may be made available only if the Secretary of State certifies that the Guatemalan Air Force, Navy and Army Corps of Engineers are respecting human rights and are cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of human rights.

(3) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not more than $500,000 may be made available for the Guatemalan Air Force and Navy: Provided, That such funds may be made available only if the Secretary of State certifies that the Guatemalan Air Force and Navy are respecting human rights and are cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of human rights, and the Guatemalan Armed Forces are fully cooperating (including access for investigators, the provision of documents and other evidence, and testimony of witnesses) with the CICIG.

(e) FREE TRADE AGREEMENTS.—Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $10,000,000 shall be made available for labor and environmental capacity building activities relating to the free trade agreements with countries of Central America and the Dominican Republic.

(f) NOTIFICATION REQUIREMENT.—Funds made available in this Act for assistance for Guatemala and Haiti under the headings referred to in this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ZIMBABWE

SEC. 673. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

DEVELOPMENT GRANTS PROGRAM

SEC. 674. (a) ESTABLISHMENT OF THE PROGRAM.—There is established within the United States Agency for International Development (USAID) a Development Grants Program (DGP) to provide small grants to United States and indigenous nongovernmental organizations for the purpose of carrying out the provisions of chapters 1 and 10 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961.

(b) ELIGIBILITY FOR GRANTS.—Grants from the DGP shall be made only for proposals of nongovernmental organizations.

(c) COMPETITION.—Grants made pursuant to the authority of this section shall be provided through an open, transparent and competitive process.

(d) SIZE OF PROGRAM AND INDIVIDUAL GRANTS.—

(1) Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $50,000,000 shall be made available for purposes of this section: Provided, That not more than 50 percent of this amount shall be derived from funds appropriated to carry out chapter 1 of part I of such Act.

(2) No individual organization can receive grants, or grant amendments, made pursuant to this section in excess of $2,000,000.

(e) AVAILABILITY OF OTHER FUNDS.—Funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 665.

(f) DEFINITION.—For purposes of this section, the term ''nongovernmental organization'' means a private voluntary organization, and shall not include entities owned in whole or in part by a government or governmental entity.

(g) REPORT.—Within 90 days from the date of enactment of this Act, and after consultation with the Committees on Appropriations, the Administrator of USAID shall submit a report to those Committees describing the procedures and mechanisms USAID will use to implement this section.

DISASTER ASSISTANCE AND RECOVERY

SEC. 675. Funds made available to the Comptroller General under chapter 4 of title I of the Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 69) and section 593 of the Foreign Operations, Export Financing, and Programs Agencies Appropriations Act, 2001 (Public Law 106–429; 114 Stat. 1900A–59) to monitor the provisions of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, and to monitor the earthquake relief and reconstruction efforts in El Salvador under section 561 of the Foreign Operations, Export Financing, and Programs Agencies Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2162) shall also be available to the Comptroller General to monitor any other disaster assistance and recovery effort.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 676. (a) AUTHORITY.—Up to $81,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2009.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for ''Operating Expenses of the United States Agency for International Development''.

(g) MANAGEMENT REFORM PILOT.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: Provided, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States''.

(h) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

OPIC TRANSFER AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

SEC. 677. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That designated funding levels in this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

REPORTING REQUIREMENT

SEC. 678. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2008, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', and ''Peacekeeping Operations'': Provided, That such report shall

include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

INDONESIA

SEC. 679. (a) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' up to $15,700,000 may be made available for assistance for Indonesia as follows—

(1) Of the amount provided in subsection (a), $13,000,000 may be made available upon enactment of this Act.

(2) Of the amount provided in subsection (a), $2,700,000 may not be made available until the Secretary of State reports to the Committees on Appropriations—

(A) on the steps taken by the Government of Indonesia on the following—

(i) prosecution and punishment, in a manner proportional to the crime, for members of the Armed Forces who have been credibly alleged to have committed gross violations of human rights in Timor-Leste and elsewhere, and cooperation by the Armed Forces with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights; and

(ii) implementation by the Armed Forces of reforms to increase the transparency and accountability of their operations and financial management; and

(B) that the Government of Indonesia has written plans to effectively provide accountability for past violations of human rights by members of the Armed Forces, and is implementing plans to effectively allow public access to Papua and to pursue the criminal investigation and provide the projected timeframe for completing the investigation of the murder of Munir Said Thalib.

(b) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for Indonesia, not less than $250,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

LIMITATION ON BASING IN IRAQ

SEC. 680. None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

PROHIBITION ON USE OF TORTURE

SEC. 681. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

REPORT ON INDONESIA

SEC. 682. Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations that describes—

(1) the steps taken by the Government of Indonesia to deny promotion, suspend from active service, and pursue prosecution of military officers indicted for serious crimes, and the extent to which past and present Indonesian military officials are cooperating with domestic inquiries into human rights abuses, including the forced disappearance and killing of student activists in 1998 and 1999;

(2) the responses of the Governments of Indonesia and Timor Leste to the Final Report of the Commission for Reception, Truth and Reconciliation in Timor-Leste and the June 2006 report of the report to the Secretary-General of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste in 1999; and

(3) the steps taken by the Indonesian military to divest itself of illegal businesses.

EXTRADITION

SEC. 683. (a) None of the funds appropriated in this Act for the Department of State may be used to provide assistance (other than funds provided under the headings ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Emergency Migration and Refugee Assistance'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

ENVIRONMENT AND ENERGY PROGRAMS

SEC. 684. (a) BIODIVERSITY.—Of the funds appropriated under the heading ''Development Assistance'', not less than $195,000,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries, of which not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2006 shall be made available for such activities in Brazil, Colombia, Ecuador, Peru and Bolivia, and that in addition to such amounts for such countries not less than $15,000,000 shall be made available for the United States Agency for International Development's Amazon Basin Conservation Initiative: Provided, That of the funds appropriated by this Act, not less than $2,000,000 should be made available for wildlife conservation and protected area management in the Boma-Jonglei landscape of Southern Sudan, and not less than $17,500,000 shall be made available for the Congo Basin Forest Partnership of which not less than $2,500,000 shall be made available to the United States Fish and Wildlife Service for great apes conservation programs in Central Africa.

(b) ENERGY.—

(1) Of the funds appropriated by this Act, not less than $195,000,000 shall be made available to support clean energy and other climate change programs in developing countries, of which not less than $125,000,000 should be made available to directly promote and deploy energy conservation, energy efficiency, and renewable and clean energy technologies with an emphasis on small hydro, solar and wind energy, and of which the balance should be made available to directly: (1) reduce greenhouse gas emissions; (2) increase carbon sequestration activities; and (3) support climate change mitigation and adaptation programs.

(2) The Secretary of State shall convene an interagency committee, including appropriate officials of the Department of State, the United States Agency for International Development, and the Environmental Protection Agency, to evaluate the specific needs of developing countries in adapting to climate change impacts: Provided, That the Secretary shall submit a report to the Committees on Appropriations not later than September 1, 2008, describing such needs, on a country-by-country and regional basis, and the actions planned and being taken by the United States, including funding provided to developing countries specifically for adaptation to climate change impacts.

(c) EXTRACTION OF NATURAL RESOURCES.—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States that any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource should not be provided unless the government of the country has in place functioning systems for: (A) accurately accounting for payments for companies involved in the extraction and export of natural resources; (B) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and (C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources since September 30, 2006, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (c)(1).

UZBEKISTAN

SEC. 685. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress—

(1) in meeting its commitments under the ''Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America'', including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media; and

(2) in investigating and prosecuting the individuals responsible for the deliberate killings of civilians in Andijan in May, 2005.

(b) If the Secretary of State has credible evidence that any current or former official of the Government of Uzbekistan was responsible for the deliberate killings of civilians in Andijan in May, 2005, or for other gross violations of human rights in Uzbekistan, not later than 6 months after enactment of this Act any person identified by the Secretary pursuant to this subsection shall be ineligible for admission to the United States.

(c) The restriction in subsection (b) shall cease to apply if the Secretary determines and reports to the Committees on Appropriations that the Government of Uzbekistan has taken concrete and measurable steps to improve respect for internationally recognized human rights, including allowing peaceful political and religious expression, releasing imprisoned human rights defenders, and implementing recommendations made by the United Nations on torture.

(d) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives.

(e) For the purpose of this section ''assistance'' shall include excess defense articles.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 686. (a) None of the funds appropriated for assistance under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees

on Appropriations that the Government of the Russian Federation: (1) has implemented no statute, executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party; and (2) is (A) honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process; (B) investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and (C) immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

WAR CRIMES IN AFRICA

SEC. 687. (a) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(b) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance to the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title II of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(c) The prohibition in subsection (b) may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(1) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(2) a strategy, including a timeline, for bringing the indictee before such court; and

(3) the justification for exercising the waiver authority.

COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS

SEC. 688. (a) PROGRAM AUTHORIZED.—The Secretary of State may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development, including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(c) FUNDING.—Of the amount appropriated or otherwise made available under the heading ''International Narcotics Control and Law Enforcement'', $5,000,000 may be made available in fiscal year 2008 for the program authorized by subsection (a).

NEGLECTED TROPICAL DISEASES

SEC. 689. Of the funds appropriated under the heading ''Global Health and Child Survival'', not less than $15,000,000 shall be made available to support the United States Agency for International Development's ongoing program to implement an integrated response to the control of neglected diseases including intestinal parasites, schistosomiasis, lymphatic filariasis, onchocerciasis, trachoma and leprosy: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, representatives from the relevant international technical and nongovernmental organizations addressing the specific diseases, recipient countries, donor countries, the private sector, UNICEF and the World Health Organization: (1) on the most effective uses of such funds to demonstrate the health and economic benefits of such an approach; and (2) to develop a multilateral, integrated initiative to control these diseases that will enhance coordination and effectiveness and maximize the leverage of United States contributions with those of other donors: Provided further, That funds made available pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

EGYPT

SEC. 690. (a) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' or under the heading ''Economic Support Fund'' that are available for assistance for Egypt, $100,000,000 shall not be made available for obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt has taken concrete and measurable steps to—

(1) adopt and implement judicial reforms that protect the independence of the judiciary;

(2) review criminal procedures and train police leadership in modern policing to curb police abuses; and

(3) detect and destroy the smuggling network and tunnels that lead from Egypt to Gaza.

(b) Not less than 45 days after enactment of this Act, the Secretary may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such waiver is in the national security interest of the United States.

RELIEF FOR IRAQI, MONTAGNARDS, HMONG AND OTHER REFUGEES WHO DO NOT POSE A THREAT TO THE UNITED STATES

SEC. 691. (a) AMENDMENT TO AUTHORITY TO DETERMINE THE BAR TO ADMISSION INAPPLICABLE.—Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

''The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) shall not apply with respect to an alien within the scope of that subsection or that subsection (a)(3)(B)(vi)(III) shall not apply to a group within the scope of that subsection, except that no such waiver may be extended to an alien who is within the scope of subsection (a)(3)(B)(i)(II), no such waiver may be extended to an alien who is a member or representative of, has voluntarily and knowingly engaged in or endorsed or espoused or persuaded others to endorse or espouse or support terrorist activity on behalf of, or has voluntarily and knowingly received military-type training from a terrorist organization that is described in subclause (I) or (II) of subsection (a)(3)(B)(vi), and no such waiver may be extended to a group that has engaged terrorist activity against the United States or another democratic country or that has purposefully engaged in a pattern or practice of terrorist activity that is directed at civilians. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review of a final order of removal pursuant to section 1252 of this title, and review shall be limited to the extent provided in section 1252(a)(2)(D). The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of this title.''.

(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES.—For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Karen National Union/Karen Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, the Karenni National Progressive Party, and appropriate groups affiliated with the Hmong and the Montagnards shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of enactment of this section. Nothing in this subsection may be construed to alter or limit the authority of the Secretary of State or the Secretary of Homeland Security to exercise his discretionary authority pursuant to 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)).

(c) TECHNICAL CORRECTION.—(1) In General.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking ''Subclause (VII)'' and replacing it with ''Subclause (IX)''.

(d) DESIGNATION OF THE TALIBAN AS A TERRORIST ORGANIZATION.—For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Taliban shall be considered to be a terrorist organization described in subclause (I) of clause (vi) of that section.

(e) REPORT ON DURESS WAIVERS.—The Secretary of Homeland Security shall provide to the Committees on the Judiciary of the United States Senate and House of Representatives a report, not less than 180 days after the enactment of this Act and every year thereafter, which may include a classified annex, if appropriate, describing—

(1) the number of individuals subject to removal from the United States for having provided material support to a terrorist group who allege that such support was provided under duress;

(2) a breakdown of the types of terrorist organizations to which the individuals described in paragraph (1) have provided material support;

(3) a description of the factors that the Department of Homeland Security considers when evaluating duress waivers; and

(4) any other information that the Secretary believes that the Congress should consider while overseeing the Department's application of duress waivers.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section, and these amendments and sections 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) and 1182(d)(3)(B)), as amended by these sections, shall apply to—

(1) removal proceedings instituted before, on, or after the date of enactment of this section; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

REPORT ON ANTI-CORRUPTION ACTIVITIES

SEC. 692. Not later than August 1, 2008, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Chief Executive Officer of the Millennium Challenge Corporation, shall submit to the Committees on Appropriations a report on the level of corruption in each country that receives development assistance appropriated in this Act.

DEMOCRACY, THE RULE OF LAW, AND GOVERNANCE IN IRAN

SEC. 693. Of the funds appropriated in this Act, $60,000,000 should be made available for programs to promote democracy, the rule of law, and governance in Iran.

DENIAL OF VISAS RELATED TO REMOVAL OF ALIENS

SEC. 694. None of the funds made available in this Act may be expended in violation of section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) (relating to discontinuing granting visas to nationals of countries that are denying or delaying accepting aliens removed from the United States).

UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 695. (a) None of the funds appropriated by this Act may be made available for a United States contribution to the United Nations Human Rights Council.

(b) The prohibition under subsection (a) shall not apply if—

(1) the Secretary of State certifies to the Committees on Appropriations that the provision of funds to support the United Nations Human Rights Council is in the national interest of the United States; or

(2) the United States is a member of the Human Rights Council.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 696. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest: Provided, That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and representatives of foreign governments, international organizations, or nongovernmental organizations.

SAUDI ARABIA

SEC. 697. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance any assistance to Saudi Arabia: Provided, That the President may waive the prohibition of this section if the President certifies to the Committees on Appropriations, 15 days prior to the obligation of funds for assistance for Saudi Arabia, that Saudi Arabia is cooperating with efforts to combat international terrorism and that the proposed assistance will help facilitate that effort.

CENTRAL ASIA

SEC. 698. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights and civil liberties during the preceding 6 month period, including by fulfilling obligations recommended by the Organization for Security and Cooperation in Europe (OSCE) in the areas of election procedures, media freedom, freedom of religion, free assembly and minority rights, and by meeting the commitments it made in connection with its assumption of the Chairmanship of the OSCE in 2010.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

(c) Not later than October 1, 2008, the Secretary of State shall submit a report to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 12-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term ''countries of Central Asia'' means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

DISABILITY PROGRAMS

SEC. 699. (a) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries, of which $1,500,000 should be made available to disability advocacy organizations that have expertise in working to protect the rights and increasing the independence and full participation of people with disabilities: Provided, That funds for disability advocacy organizations should be used for training and technical assistance for foreign disabled persons organizations in such areas as advocacy, education, independent living, and transportation, with the goal of promoting equal participation of people with disabilities in developing countries: Provided further, That USAID should seek to disburse at least 25 percent of the funds made available pursuant to this subsection in the form of small grants.

(b) Funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the Administrator of USAID shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

(e) Not later than 180 days after the date of enactment of this Act, and 180 days thereafter, the Administrator of USAID shall submit a report describing the programs, activities, and organizations funded pursuant to this section.

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 699A. Of the funds appropriated under title III of this Act, $3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions: Provided, That funds made available under title III of this Act should be made available, as appropriate, consistent with—

(1) the goal of enabling children to remain in the care of their family of origin, but when not possible, placing children in permanent homes through adoption;

(2) the principle that such placements should be based on informed consent which has not been induced by payment or compensation;

(3) the view that long-term foster care or institutionalization are not permanent options and should be used when no other suitable permanent options are available; and

(4) the recognition that programs that protect and support families can reduce the abandonment and exploitation of children.

ADVISOR FOR ACTIVITIES RELATING TO INDIGENOUS PEOPLES INTERNATIONALLY

SEC. 699B. (a) ADVISOR.—After consultation with the Committees on Appropriations and not later than 90 days after the enactment of this Act, there shall be established within the Department of State in the immediate office of the Director of United States Foreign Assistance an Advisor for Activities Relating to Indigenous Peoples Internationally (hereinafter in this section referred to as the ''Advisor''), who shall be appointed by the Director. The Advisor shall report directly to the Director.

(b) RESPONSIBILITIES.—The Advisor shall:

(1) Advise the Director of United States Foreign Assistance and the Administrator of the United States Agency for International Development on matters relating to the rights and needs of indigenous peoples internationally and should represent the United States Government on such matters in meetings with foreign governments and multilateral institutions.

(2) Provide for the oversight and coordination of all resources, programs, projects, and activities of the United States Government to protect the rights and address the needs of indigenous peoples internationally; and

(3) Develop and coordinate assistance strategies with specific goals, guidelines, benchmarks, and impact assessments (including support for local indigenous peoples' organizations).

(c) FUNDS.—Of the funds appropriated by this Act under the heading ''Diplomatic and Consular Programs'', not less than $250,000 shall be made available for implementing the provisions of this section.

(d) REPORT.—Not later than one year after the enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations describing progress made in implementing this section.

CHILD SOLDIERS

SEC. 699C. (a) None of the funds appropriated or otherwise made available for foreign military financing, foreign military sales, direct commercial sales, or excess Defense articles by this Act or any other Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available to the government of a country that is identified by the Department of State in the Department of State's most recent Country Reports on Human Rights Practices as having governmental armed forces or government supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) The Secretary of State may provide assistance or defense articles otherwise prohibited under subsection (a) to a country upon certifying to the Committees on Appropriations that

the government of such country has implemented effective measures to demobilize children from its forces or from government-supported armed groups and prohibit and prevent the future recruitment or use of child soldiers.

(c) The Secretary of State may waive the application to a country of the prohibition in subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such waiver is important to the national interest of the United States.

FUNDING FOR SERBIA

SEC. 699D. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2008, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2008, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic and Radovan Karadzic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Kosovo, humanitarian assistance or assistance to promote democracy.

PHILIPPINES

SEC. 699E. Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not to exceed $30,000,000 may be made available for assistance for the Philippines, of which $2,000,000 may only be made available after the Secretary of State reports to the Committees on Appropriations that—

(1) the Philippine Government is implementing the recommendations of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions;

(2) the Philippine Government is implementing a policy of promoting military personnel who demonstrate professionalism and respect for human rights, and is investigating and prosecuting military personnel and others who have been credibly alleged to have committed extrajudicial executions or other violations of human rights; and

(3) the Philippine military is not engaging in acts of intimidation or violence against members of legal organizations who advocate for human rights.

PAKISTAN

SEC. 699F. (a) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', up to $300,000,000 may be made available for assistance for Pakistan as follows—

(b) Of the amount provided in subsection (a), $250,000,000 may be made available immediately for counter-terrorism and law enforcement activities directed against Al Qaeda and the Taliban and associated terrorist groups, and $50,000,000 may be made available for such purposes after the Secretary of State reports to the Committees on Appropriations that the Government of Pakistan—

(1) is making concerted efforts to prevent Al Qaeda and associated terrorist groups from operating in the territory of Pakistan, including by eliminating terrorist training camps or facilities, arresting members of Al Qaeda and associated terrorist groups, and countering recruitment efforts;

(2) is making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and

(3) is implementing democratic reforms, including—

(A) restoring the Constitution of Pakistan and ensuring freedoms of expression and assembly and other civil liberties guaranteed by the Constitution;

(B) releasing political detainees and allowing inclusive democratic elections;

(C) ending harassment and detention of journalists, human rights defenders and government critics by security and intelligence forces; and

(D) restoring an independent judiciary and ending interference in the judicial process.

(c) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Pakistan, up to $5,000,000 may be used for administrative expenses of the United States Agency for International Development: Provided, That none of the funds appropriated by this Act may be made available for cash transfer assistance for Pakistan.

SRI LANKA

SEC. 699G. (a) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committee on Appropriations that—

(1) the Sri Lankan military is suspending and the Sri Lankan Government is bringing to justice members of the military who have been credibly alleged to have committed gross violations of human rights or international humanitarian law, including complicity in the recruitment of child soldiers;

(2) the Sri Lankan Government is providing access to humanitarian organizations and journalists throughout the country consistent with international humanitarian law; and

(3) the Sri Lankan Government has agreed to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka with sufficient staff and mandate to conduct full and unfettered monitoring throughout the country and to publicize its findings.

(b) Subsection (a) shall not apply to technology or equipment made available for the limited purposes of maritime and air surveillance and communications.

MULTILATERAL DEVELOPMENT BANKS

SEC. 699H. (a) WORLD BANK INSPECTION PANEL.—The Secretary of the Treasury shall instruct the United States Executive Director to the World Bank to inform the Bank of, and use the voice and vote of the United States to achieve transparency reforms of the selection process for members of the World Bank Inspection Panel, including—

(1) Posting Inspection Panel position vacancy announcements on the Inspection Panel's website and in publications that have wide circulation in member countries;

(2) Making public official procedures for the selection of Inspection Panel vacancies; and

(3) Posting on the Inspection Panel's website the names of the members of the selection committee and the name or names of the individuals proposed by the selection committee to the President of the World Bank.

(b) AUTHORIZATIONS.—

(1) Section 501(i) of title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, as amended by section 591(b) of division D of Public Law 108–447, is further amended by striking ''fiscal'' and all that follows through ''which'' and inserting in lieu thereof ''fiscal years 2000–2010, which''.

(2) Section 801(b)(1)(ii) of Public Law 106–429, as amended by section 591(a)(2) of division D of Public Law 108–447, is further amended by striking ''fiscal years 2004–2006'' and by inserting in lieu thereof ''fiscal years 2004–2010''.

MILLENNIUM CHALLENGE CORPORATION

SEC. 699I. (a) Section 607(b) of the Millennium Challenge Act of 2003 (22 U.S.C. 7706) is amended—

(1) in paragraph (2)(B) by striking ''and the sustainable management of natural resources'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'';

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding the following subparagraph:

''(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources.''.

(b)(1) The Chief Executive Officer of the Millennium Challenge Corporation shall, not later than 30 days following enactment of this Act, submit to the Committees on Appropriations a report on the proposed uses, on a country-by-country basis, of all funds appropriated under the heading ''Millennium Challenge Corporation'' in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs projected to be obligated and expended in fiscal year 2008 and subsequent fiscal years.

(2) The report required in paragraph (1) shall include, at a minimum, a description of:

(A) Compacts in development, including the status of negotiations and the approximate range of value of the proposed compact;

(B) Compacts in implementation, including the projected expenditure and disbursement of compact funds during fiscal year 2008 and subsequent fiscal years as determined by the country compact;

(C) Threshold country programs in development, including the approximate range of value of the threshold country agreement;

(D) Threshold country programs in implementation; and

(E) Use of administrative funds.

(3) The Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program.

(4) The report required in paragraph (1) shall be updated on a quarterly basis.

CARRY FORWARD OF UNUSED SPECIAL IMMIGRANT VISAS

SEC. 699J. Section 1059(c) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended by adding at the end the following:

''(3) CARRY FORWARD.—If the numerical limitation described in paragraph (1) is not reached during a given fiscal year, the numerical limitation for the following fiscal year shall be increased by a number equal to the difference between the number of visas authorized for the given fiscal year and the number of aliens provided special immigrant status during the given fiscal year.''.

IRAQ

SEC. 699K. (a) None of the funds appropriated or otherwise made available by this Act may be made available for assistance for Iraq.

(b) Subsection (a) shall not apply to funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available

to rescue Iraqi scholars and for the fund established by section 2108 of Public Law 109–13, to funds made available under the heading ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'' for the removal and disposal of land mines and other unexploded ordnance, small arms and light weapons in Iraq, or for assistance for refugees and internally displaced persons.

ANTI-KLEPTOCRACY

SEC. 699L. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, the Secretary of State shall compile and maintain a list of officials of foreign governments and their immediate family members who the Secretary determines there is credible evidence to believe have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Any individual on the list submitted under subsection (a) shall be ineligible for admission to the United States.

(c) The Secretary may waive the application of subsection (a) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives, or that the circumstances which caused the individual to be included on the list have changed sufficiently to justify the removal of the individual from the list.

(d) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the evidence considered in determining involvement pursuant to subsection (a).

COMPREHENSIVE NUCLEAR THREAT REDUCTION AND SECURITY PLAN

SEC. 699M. (a) Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive nuclear threat reduction and security plan, in classified and unclassified forms—

(1) for ensuring that all nuclear weapons and weapons-usable material at vulnerable sites are secure by 2012 against the threats that terrorists have shown they can pose; and

(2) for working with other countries to ensure adequate accounting and security for such materials on an ongoing basis thereafter.

(b) For each element of the accounting and security effort described under subsection (a)(2), the plan shall—

(1) clearly designate agency and departmental responsibility and accountability;

(2) specify program goals, with metrics for measuring progress, estimated schedules, and specified milestones to be achieved;

(3) provide estimates of the program budget requirements and resources to meet the goals for each year;

(4) provide the strategy for diplomacy and related tools and authority to accomplish the program element;

(5) provide a strategy for expanding the financial support and other assistance provided by other countries, particularly Russia, the European Union and its member states, China, and Japan, for the purposes of securing nuclear weapons and weapons-usable material worldwide; and

(6) outline the progress in and impediments to securing agreement from all countries that possess nuclear weapons or weapons-usable material on a set of global nuclear security standards, consistent with their obligation to comply with United Nations Security Council Resolution 1540.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 699N. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

UNOBLIGATED FUNDS RESCISSIONS

SEC. 699O. (a) Of the funds appropriated under the heading ''Subsidy Appropriation'' for the Export-Import Bank of the United States that are available for tied-aid grants in title I of Public Law 107–115 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, $25,000,000 are rescinded.

(b) Of the funds appropriated under the heading ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $133,000,000 are rescinded.

ACROSS-THE-BOARD RESCISSION

SEC. 699P. (a) BILL-WIDE RESCISSIONS.—There is hereby rescinded an amount equal to .81 percent of the budget authority provided for fiscal year 2008 for any discretionary account in this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying explanatory statements for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) OMB REPORT.—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations a report specifying the account and amount of each rescission made pursuant to this section.

(d) EXCEPTION.—The rescission in subsection (a) shall not apply to funds provided in this Act designated as described in section 5 (in the matter preceding division A of this consolidated Act).

This division may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008''.

DIVISION K—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $91,782,000, of which not to exceed $2,310,000 shall be available for the immediate Office of the Secretary; not to exceed $730,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $18,720,000 shall be available for the Office of the General Counsel; not to exceed $9,874,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $9,417,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,383,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,750,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,986,000 shall be available for the Office of Public Affairs; not to exceed $1,516,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,335,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $7,874,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $11,887,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,140,900.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $13,883,900.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $128,094,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $370,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $523,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,970,000, to remain available until September 30, 2009: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the

costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

COMPENSATION FOR AIR CARRIERS

(RESCISSION)

Of the remaining unobligated balances under section 101(a)(2) of Public Law 107–42, $22,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,740,000,000, of which $6,397,060,900 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,969,638,000 shall be available for air traffic organization activities; not to exceed $1,082,602,000 shall be available for aviation safety activities; not to exceed $12,549,000 shall be available for commercial space transportation activities; not to exceed $100,593,000 shall be available for financial services activities; not to exceed $91,214,000 shall be available for human resources program activities; not to exceed $286,848,000 shall be available for region and center operations and regional coordination activities; not to exceed $162,351,000 shall be available for staff offices; and not to exceed $38,650,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary utilize not less than $6,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $8,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,513,611,000, of which $2,053,638,000 shall remain available until September 30, 2010, and of which $459,973,000 shall remain available until September 30, 2008: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2009 through 2013, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $146,828,100, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2010: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,514,500,000 in fiscal year 2008, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $80,676,000 shall be obligated for administration, not less than $10,000,000 shall be available for the airport cooperative research program, not less than $18,712,000 shall be for Airport Technology Research and $10,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $185,500,000 is rescinded from amounts authorized for the fiscal year ending September 30, 2007 and prior years; and $85,000,000 is rescinded from amounts authorized for the fiscal year ending September 30, 2008.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 425 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2008.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the

Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2008, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking ''2006,'' each place it appears and inserting ''2008,''.

(b) Section 44303(b) of such title is amended by striking ''2006,'' and inserting ''2008,''.

SEC. 115. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 116. EXTENSION OF TAXES AND EXPENDITURE AUTHORITY RELATING TO AIRPORT AND AIRWAY TRUST FUND. (a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2007'' and inserting ''February 29, 2008''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''September 30, 2007'' and inserting ''February 29, 2008''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2007'' and inserting ''February 29, 2008''.

(c) AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.—

(1) IN GENERAL.—Paragraph (1) of section 9502(d) of such Code is amended—

(A) by striking ''October 1, 2007'' and inserting ''March 1, 2008'', and

(B) by inserting ''or the Department of Transportation Appropriations Act, 2008'' in subparagraph (A) before the semicolon at the end.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of such Code is amended by striking ''October 1, 2007'' and inserting ''March 1, 2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 117. LABOR INTEGRATION. (a) LABOR INTEGRATION.—With respect to any covered transaction involving two or more covered air carriers that results in the combination of crafts or classes that are subject to the Railway Labor Act (45 U.S.C. 151 et seq.), sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 C.A.B. 45) shall apply to the integration of covered employees of the covered air carriers; except that—

(1) if the same collective bargaining agent represents the combining crafts or classes at each of the covered air carriers, that collective bargaining agent's internal policies regarding integration, if any, will not be affected by and will supersede the requirements of this section; and

(2) the requirements of any collective bargaining agreement that may be applicable to the terms of integration involving covered employees of a covered air carrier shall not be affected by the requirements of this section as to the employees covered by that agreement, so long as those provisions allow for the protections afforded by sections 3 and 13 of the Allegheny-Mohawk provisions.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term ''covered air carrier'' means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term ''covered employee'' means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term ''covered transaction'' means—

(A) a transaction for the combination of multiple air carriers into a single air carrier; and which

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier.

(c) APPLICATION.—This section shall not apply to any covered transaction involving a covered air carrier that took place before the date of enactment of this Act.

(d) EFFECTIVENESS OF PROVISION.—This section shall become effective on the date of enactment of this Act and shall continue in effect in fiscal years after fiscal year 2008.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $377,556,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,216,051,359 for Federal-aid highways and highway safety construction programs for fiscal year 2008: Provided, That within the $40,216,051,359 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2008: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(ADDITIONAL OBLIGATION LIMITATION)

(HIGHWAY TRUST FUND)

For an additional amount of obligation limitation to be distributed for the purpose of section 144(e) of title 23, United States Code, $1,000,000,000: Provided, That such obligation limitation shall be used only for a purpose eligible for obligation with funds apportioned under such section and shall be distributed in accordance with the formula in such section: Provided further, That such obligation limitation shall remain available for a period of three fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years: Provided further, That in distributing obligation authority under this paragraph, the Secretary shall ensure that such obligation limitation shall supplement and not supplant each State's planned obligations for such purposes.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,955,051,359 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,150,000,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

I–35W BRIDGE REPAIR AND RECONSTRUCTION

For necessary expenses to carry out the project for repair and reconstruction of the Interstate 35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, as authorized under section 1(c) of Public Law 110–56, up to $195,000,000, as documented by the Minnesota Department of Transportation to remain available until expended: Provided, That the amount provided under this heading is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That the Federal share of the costs of any project funded using amounts made available under this section shall be 100 percent in accordance with section 1(b) of Public Law 110–56.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for West Virginia corridor H of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $15,680,000, to remain available until expended.

DELTA REGIONAL TRANSPORTATION DEVELOPMENT PROGRAM

For necessary expenses for the Delta Regional Transportation Development Program as authorized under section 1308 of Public Law 109–59, $14,014,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2008, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code;

programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; the programs, projects and activities funded by the set aside authorized by section 129 of this Act; the Bureau of Transportation Statistics; and additional obligation limitation provided in this Act for the purpose of section 144(e) of title 23, United States Code;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2008; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Of the unobligated balances made available under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107, and 1108 of Public Law 102–240, $1,292,287.73 are rescinded.

SEC. 123. Of the unobligated balances made available under section 1602 of Public Law 105–178, $5,987,345.70 are rescinded.

SEC. 124. Of the unobligated balances made available under section 188(a)(1) of title 23, United States Code, as in effect on the day before the date of enactment of Public Law 109–59, and under section 608(a)(1) of such title, $256,806,000 are rescinded.

SEC. 125. Of the amounts made available under section 104(a) of title 23, United States Code, $43,358,601 are rescinded.

SEC. 126. Of the unobligated balances of funds made available in fiscal year 2005 and prior fiscal years for the implementation or execution of programs for transportation research, training and education, and technology deployment including intelligent transportation systems, $239,801,603 are rescinded.

SEC. 127. Of the amounts made available for ''Highway Related Safety Grants'' by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $11,314 in unobligated balances are rescinded.

SEC. 128. Of the unobligated balances made available under Public Law 101–516, Public Law 102–143, Public Law 103–331, Public Law 106–346, Public Law 107–87, and Public Law 108–7, $4,753,687.26 are rescinded.

SEC. 129. Notwithstanding any other provision of law, the Secretary of Transportation shall set aside from revenue aligned budget authority authorized for fiscal year 2008 under section 110 of title 23, United States Code, such sums as may be necessary for the programs, projects and activities at the level of 98 percent of the corresponding amounts identified under this section in the explanatory statement accompanying this Act: Provided, That funds set aside by this

section, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: Provided further, That the sums set aside by this section shall remain available until expended: Provided further, That all funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: Provided further, That the obligation limitation made available for the programs, projects, and activities for which funds are set aside by this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years: Provided further, That amounts authorized for fiscal year 2008 for revenue aligned budget authority under such section in excess of the amount set aside by the first clause of this section are rescinded.

SEC. 130. Not less than 15 days prior to waiving, under her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 131. Notwithstanding any other provision of law, amounts authorized for fiscal year 2008 for programs under sections 1305 and 1502 of Public Law 109–59 and section 503(b) of title 23, United States Code, are rescinded.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $229,654,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $229,654,000, for ''Motor Carrier Safety Operations and Programs'', of which $8,900,000, to remain available for obligation until September 30, 2010, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That $1,815,553 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $300,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $300,000,000, for ''Motor Carrier Safety Grants''; of which $202,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That $11,260,214 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $32,187,720 in unobligated balances are rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Act, $5,212,858 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 136. None of the funds made available under this Act may be used to establish a cross-border motor carrier demonstration program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59, chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $126,572,000, of which $26,156,000 shall remain available until September 30, 2010: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $107,750,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $107,750,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $599,250,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $599,250,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $225,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $131,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $18,250,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $6,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $6,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made

available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. Of the amounts made available under the heading ''Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $12,197,113.60 in unobligated balances are rescinded.

SEC. 142. Of the amounts made available under the heading ''National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $119,914.61 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $10,528,958 in unobligated balances are rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $150,193,499, of which $12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $35,964,400, to remain available until expended.

CAPITAL ASSISTANCE TO STATES—INTERCITY PASSENGER RAIL SERVICE

To enable the Federal Railroad Administrator to make grants to States for the capital costs of improving existing intercity passenger rail service and providing new intercity passenger rail service, $30,000,000, to remain available until expended: Provided, That grants shall be provided to a State only on a reimbursable basis: Provided further, That grants cover no more than 50 percent of the total capital cost of a project selected for funding: Provided further, That no more than ten percent of funds made available under this program may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator: Provided further, That no later than eight months following enactment of this Act, the Secretary shall establish and publish criteria for project selection, set a deadline for grant applications, and provide a schedule for project selection: Provided further, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of statewide transportation planning as required under section 135 of title 23, United States Code: Provided further, That to be eligible for capital assistance the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify: Provided further, That the Secretary give priority to capital and planning applications for projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, and involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109–59, $20,145,000, to remain available until expended.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $475,000,000 to remain available until expended: Provided, That the Secretary of Transportation shall approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: Provided further, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): Provided further, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2007 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: Provided further, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2008 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: Provided further, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: Provided further, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: Provided further, That of the amounts made available under this heading not less than $18,500,000 shall be available for the Amtrak Office of Inspector General.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $850,000,000, to remain available until expended, of which not to exceed $285,000,000 shall be for debt service obligations: Provided, That the Secretary may retain up to one-quarter of one percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2008 business plan: Provided further, That $35,000,000 of amounts made available under this heading shall be available until expended for capital improvements if the Corporation demonstrates to the Secretary's satisfaction that the Corporation has achieved operational savings and met ridership and revenue targets as defined in the Corporation's business plan: Provided further, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: Provided further, That within 90 days of enactment, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system being developed by the Corporation and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: Provided further, That

not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Corporation and the States on the Northeast Corridor, shall establish a common definition of what is determined to be a ''state of good repair'' on the Northeast Corridor and report its findings, including definitional areas of disagreement, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Notwithstanding any other provision of this Act, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. Not later than January 1, 2008, the Federal Railroad Administrator shall submit a report, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 152. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $89,300,000: Provided, That of the funds available under this heading, not to exceed $1,504,000 shall be available for travel and not to exceed $20,719,000 shall be available for the central account: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That upon submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2009.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $6,855,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $7,767,887,062 in fiscal year 2008: Provided further, That of the funds available to carry out the bus program under section 5309 of title 49, United States Code, which are not otherwise allocated under this act or under SAFETEA–LU (Public Law 109–59), not more than 10 percent may be expended in furtherance of the Department of Transportation's ''National Strategy to Reduce Congestion on America's Transportation Network'' issued May, 2006 by Secretary of Transportation, the Honorable Norman Mineta; also known as the ''Congestion Initiative'' or any other new highway congestion initiative: Provided further, That $28,660,920 in unobligated balances are rescinded.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,362,900, to remain available until expended: Provided, That $9,300,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $44,762,900 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,569,091,997, to remain available until expended: Provided, That of the funds available under this heading, amounts are to be made available as follows:

AC Transit BRT Corridor—Alameda County, California, $490,000.

Alaska and Hawaii ferry projects, $15,000,000.

Bus Rapid Transit, Cumberland County, Pennsylvania, $294,000.

Central Corridor Light Rail, Minnesota, $10,192,000.

Central Link Initial Segment, Washington, $68,600,000.

Central LRT Double-Track—Largo Extension, Maryland, $34,300,000.

Central Phoenix/East Valley Light Rail, Arizona, $88,200,000.

Charlotte Rapid Transit, North Carolina, $1,960,000.

CORRIDORone Regional Rail Project, Pennsylvania, $10,976,000.

DCTA Fixed Guideway/Engineering, Lewisville, Texas, $245,000.

Denali Commission, Alaska, $5,000,000.

Dulles Corridor Metrorail Project, Virginia, $34,300,000.

Galveston Rail Trolley, Texas, $1,960,000.

Honolulu High Capacity Transit Corridor, Hawaii, $15,190,000.

Hudson-Bergen MOS–2, New Jersey, $54,089,135.

I–205/Portland Mall Light Rail, Oregon, $78,400,000.

I–69 HOV/BRT, Mississippi, $7,546,000.

JTA Bus Rapid Transit, Jacksonville, Florida, $9,329,600.

Lane Transit District, Pioneer Parkway EmX Corridor, Oregon, $14,504,000.

Long Island Rail Road East Side Access, New York, $210,700,000.

MARC Commuter Rail Improvements and Rolling Stock, Maryland, $9,800,000.

MBTA Fitchburg to Boston Rail Corridor Project, Massachusetts, $5,880,000.

METRA Connects Southeast Service, Illinois, $7,227,500.

METRA Star Line, Illinois, $7,227,500.

METRA Union Pacific Northwest Line, Illinois, $7,227,500.

METRA Union Pacific West Line, Illinois, $7,227,500.

Metro Gold Line Eastside Extension, California, $78,400,000.

Metrorail Orange Line Expansion, Florida, $1,960,000.

Metro Rapid Bus System Gap Closure, Los Angeles, California, $16,347,380.

Mid-Jordan Light Rail Extension, Utah, $19,600,000.

Monmouth-Ocean-Middlesex County Passenger Rail, New Jersey, $980,000.

New Britain-Hartford Busway, Connecticut, $3,271,632.

Norfolk Light Rail Project, Virginia, $23,030,000.

North Corridor, Houston and Southeast Corridor, Texas, $19,600,000.

North Shore Corridor & Blue Line, Massachusetts, $1,960,000.

NorthStar Commuter, Minnesota, $53,900,000.

Northern Indiana Commuter Transit District Recapitalization, Indiana, $4,900,000.

North Shore LRT Connector, Pennsylvania, $32,846,115.

Northwest NJ-Northeast PA, Pennsylvania, $2,940,000.

NW/SE LRT MOS, Texas, $84,525,000.

Pacific Highway South BRT, King County, Washington, $13,794,480.

Perris Valley Line Metrolink Extension, California, $1,960,000.

Pawtucket/Central Falls Commuter Rail Station, Rhode Island, $1,960,000.

Planning and Design, Bus Rapid Transit-State Avenue Corridor, Wyandotte County, Kansas, $1,470,000.

Provo Orem Bus Rapid Transit, Utah, $4,018,000.

Rapid Transit (BRT) project, Livermore, California, $2,940,000.

Ravenswood Line Extension, Illinois, $39,200,000.

Route 1 Bus Rapid Transit, Potomac Yard-Crystal City, Alexandria and Arlington, Virginia, $980,000.

Second Avenue Subway Phase 1, New York, $167,810,300.

SMART EIS and PE, California, $1,960,000.

South County Commuter Rail Wickford Junction Station, Rhode Island, $12,269,449.

Southeast Corridor LRT, Colorado, $50,529,274.

South Sacramento Corridor Phase 2, California, $4,410,000.

Telegraph Avenue-International Boulevard-East 14th Street Bus Rapid Transit Corridor Improvements, California, $1,960,000.

Third Street Light Rail, San Francisco, California, $11,760,000.

Trans-Hudson Midtown Corridor, New Jersey, $14,700,000.

Troost Corridor Bus Rapid Transit, Missouri, $6,134,800.

West Corridor Light Rail Project, Colorado, $39,200,000.

University Link LRT, Washington, $19,600,000.

VIA Bus Rapid Transit Corridor Project, San Antonio, Texas, $4,900,000.

Virginia Railway Express Extension—Gainesville/Haymarket, Virginia, $490,000.

VRE Rolling Stock, Virginia, $3,920,000.

Weber County to Salt Lake City, Utah, $78,400,000.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' and bus and bus facilities under ''Federal Transit Administration, Formula and bus grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2010, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2007, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2008, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: Provided, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

SEC. 165. Notwithstanding any other provision of law, in regard to the Central Link Initial Segment Project, to the extent that Federal funds remain available within the current budget for the project, the Secretary shall, immediately upon the date of enactment of this Act, amend the Full Funding Grant Agreement for said project to allow remaining Federal funds to be used to support completion of the Airport Link extension of said project.

SEC. 166. Amounts provided for a high capacity fixed guideway light rail and mass transit project for the City of Albuquerque, New Mexico, in Public Laws 106–69, 106–346 and 107–87 shall be available for bus and bus facilities.

SEC. 167. Any unobligated amounts made available for the Commuter Rail, Albuquerque to Santa Fe, New Mexico under the heading ''Capital Investment Grants'' under the heading ''Federal Transit Administration'' in title I of division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2418) shall be made available for public transportation buses, equipment and facilities related to such buses, and intermodal terminal in Albuquerque and Santa Fe, New Mexico, subject to the requirements under section 5309 of title 49, United States Code.

SEC. 168. Notwithstanding any other provision of law, funds made available for the Las Vegas Resort Corridor Fixed Guideway Project under the Federal Transit Administration Capital Investment Grants Account in any previous Appropriations Act, including Public Laws 108–7, 108–199, 108–447, and any unexpended funds in Federal Transit Administration grant number NV–03–0019 may hereafter be made available until expended to the Regional Transportation Commission of Southern Nevada for bus rapid transit projects and bus and bus-related projects: Provided, That funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.

SEC. 169. The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

SEC. 170. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA–2006–25737).

SEC. 171. Funds made available to the Putnam County, Florida for Ride Solutions buses and bus facilities in Public Laws 108–199, 108–447 and 109–115 that remain unobligated may be available to Putnam County under the conditions of 49 U.S.C. 5312 to research, develop, fabricate, test, demonstrate, deploy and evaluate a low floor bus to meet the needs of Ride Solution in particular, and small urban and rural operators in general.

SEC. 172. Of the balances available for this fiscal year to carry out 49 U.S.C. 5309(b) left to the discretion of the Secretary of Transportation, $104,697,038 are rescinded.

SEC. 173. Of the balances available for this fiscal year to carry out 49 U.S.C. 5339 left to the discretion of the Secretary of Transportation, $308,900 are rescinded.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $17,392,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $121,992,000, of which $25,720,000 shall remain available until September 30, 2008, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $14,139,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $10,500,000 shall remain available until expended for maintenance and repair of Schoolships at State Maritime Schools.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $17,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants for capital improvements and related infrastructure improvements at qualified shipyards that will facilitate the efficiency, cost-effectiveness, and quality of domestic ship construction for commercial and Federal Government use as authorized under section 3506 of Public Law 109–163, $10,000,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, $8,408,000, of which $5,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed $3,408,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for ''Operations and Training'', Maritime Administration.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $6,673,000 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 U.S.C. 53101 note (cds)), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $18,130,000, of which $639,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $28,000,000, of which $1,761,000 shall remain available until September 30, 2010: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $79,828,000, of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2010; of which $61,018,000 shall be derived from the Pipeline Safety Fund, of which $32,242,000 shall remain available until September 30, 2010: Provided, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2009: Provided, That not more than $28,318,000 shall be made available for obligation in fiscal year 2008 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $12,000,000, of which $6,036,000 shall remain available until September 30, 2010: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $66,400,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,324,500: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, to result in a final appropriation from the general fund estimated at no more than $25,074,500.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

(INCLUDING RESCISSION)

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be made available for the eligible programs, projects and activities at the level of 98 percent of the corresponding amounts identified in the explanatory statement accompanying this Act for the ''Delta Regional Transportation Development Program'', ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Rail Line Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Alternatives analysis'', and ''Bus and bus facilities'': Provided, That amounts authorized within the Federal Highway Administration for fiscal year 2008 for the Interstate Maintenance Discretionary program under section 118(c) of title 23, United States Code, the Ferry Boats and Ferry Terminal Facilities program under section 147 of title 23, United States Code (excluding the set-aside for projects on the National Highway System authorized by section 147(b) of such title), the Public Lands Highways Discretionary program under section 202(b)(1)(A) of title 23, United States Code, and the Transportation, Community and System Preservation program under section 1117 of Public Law 109–59 in excess of the amounts so set aside by the first clause of this section for such programs, projects and activities in the explanatory statement accompanying this Act are rescinded: Provided further, That amounts authorized within the Federal Railroad Administration for fiscal year 2008 for Rail-highway Crossing Hazard Eliminations under section 104(d)(2)(A) of title 23, United States Code (excluding the set-aside for certain improvements authorized by section 104(d)(2)(E) of such title), in excess of the amounts so set aside by the first clause of this section for such programs, projects and activities in the explanatory statement accompanying this Act are rescinded.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. (a) Funds provided in Public Law 102–143 in the item relating to ''Highway Bypass Demonstration Project'' shall be available for

the improvement of Route 101 in the vicinity of Prunedale, Monterey County, California.

(b) Funds provided under section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346, 114 Stat. 1356, 1356A–41), for the reconstruction of School Road East in Marlboro Township, New Jersey, shall be available for the Spring Valley Road Project in Marlboro Township, New Jersey.

(c) Notwithstanding any other provision of law, of the unexpended balance of funds made available in title I, chapter III, of Public Law 97–216 (96 Stat. 180, 187) under the heading ''Federal-aid Highway Program'' to execute contracts to replace or rehabilitate highway bridges, as designated on page 19 of House Report 97–632, $5,000,000 shall be made available for East Chicago Road Reconstruction, East Chicago, Indiana, and the remaining unexpended funds shall be made available for Calumet Avenue Grade Separation, Munster, Indiana.

(d) Of the unobligated balance appropriated under the heading ''Highway Demonstration Projects'' in title I of Public Law 102–143 (105 Stat. 929) that was allocated for Routes 70/38 Circle Elimination, New Jersey, $1,500,000 shall be transferred to, and made available for, the Delaware Street Bridge Replacement Project, (CR640) Bridge over Mathews Branch in West Deptford Township, New Jersey.

SEC. 192. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 193. (a) None of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation may be used to take any action to allow any activity described in subsection (b) in a case, matter, or declaratory order involving a railroad, or an entity claiming or seeking authority to operate as a railroad, unless the Board receives written assurance from the Governor, or the Governor's designee, of the State in which such activity will occur that such railroad or entity has agreed to comply with State and local regulations that establish public health, safety, and environmental standards for the activities described in subsection (b), other than zoning laws or regulations.

(b) Activities referred to in subsection (a) are activities that occur at a solid waste rail transfer facility involving—

(1) the collection, storage, or transfer of solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) outside of original shipping containers; or

(2) the separation or processing of solid waste (including baling, crushing, compacting, and shredding).

SEC. 194. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 195. Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish and maintain on the homepage of the Internet website of the Department of Transportation—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Transportation; and

(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Transportation.

SEC. 196. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration to displace, reassign, reduce the salary of, or subject to a reduction in force any employee at the Academy or discontinue the use of the FAA Academy as the primary training facility for air traffic controller training as a result of implementing the Air Traffic Control Optimum Training Solution in its entirety, prior to September 30, 2008.

SEC. 197. PROHIBITION ON IMPOSITION AND COLLECTION OF TOLLS ON CERTAIN HIGHWAYS CONSTRUCTED USING FEDERAL FUNDS. (a) DEFINITIONS.—In this section:

(1) FEDERAL HIGHWAY FACILITY.—

(A) IN GENERAL.—The term ''Federal highway facility'' means—

(i) any highway, bridge, or tunnel on the Interstate System that is constructed using Federal funds; or

(ii) any United States highway.

(B) EXCLUSION.—The term ''Federal highway facility'' does not include any right-of-way for any highway, bridge, or tunnel described in subparagraph (A).

(2) TOLLING PROVISION.—The term ''tolling provision'' means section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212);

(b) PROHIBITION.—

(1) IN GENERAL.—None of the funds made available by this Act shall be used to consider or approve an application to permit the imposition or collection of any toll on any portion of a Federal highway facility in the State of Texas—

(A)(i) that is in existence on the date of enactment of this Act; and

(ii) on which no toll is imposed or collected under a tolling provision on that date of enactment; or

(B) that would result in the Federal highway facility having fewer non-toll lanes than before the date on which the toll was first imposed or collected.

(2) EXEMPTION.—Paragraph (1) shall not apply to the imposition or collection of a toll on a Federal highway facility—

(A) on which a toll is imposed or collected under a tolling provision on the date of enactment of this Act; or

(B) that is constructed, under construction, or the subject of an application for construction submitted to the Secretary, after the date of enactment of this Act.

(c) STATE BUY-BACK.—None of the funds made available by this Act shall be used to impose or collect a toll on a Federal highway facility in the State of Texas that is purchased by the State of Texas on or after the date of enactment of this Act.

SEC. 198. Notwithstanding any other provision of law, the funding made available for the Schuylkill Valley Metro project through the Department of Transportation Appropriations Acts for Federal Fiscal Years 2004 and 2005 shall remain available for that project during fiscal year 2008.

This title may be cited as the ''Department of Transportation Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $24,980,000, of which not to exceed $3,930,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,580,000 shall be available for the Office of Hearings and Appeals; not to exceed $510,000 shall be available for the Office of Small and Disadvantaged Business Utilization, not to exceed $725,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,155,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,670,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $2,520,000 shall be for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,630,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,620,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,520,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,600,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,570,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $1,950,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $493,630,000, of which not to exceed $69,070,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $10,630,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $51,300,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $12,370,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $31,600,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $80,670,000 shall be available for the personnel compensation and benefits of the remaining staff of the Office of the General Counsel; not to exceed $2,810,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,160,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $234,020,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under the heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902;

hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than ten percent by all such transfers.

PUBLIC AND INDIAN HOUSING PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $173,310,000.

COMMUNITY PLANNING AND DEVELOPMENT PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $90,310,000.

HOUSING PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Housing, $334,450,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $8,250,000.

POLICY DEVELOPMENT AND RESEARCH PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $16,950,000.

FAIR HOUSING AND EQUAL OPPORTUNITY PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $63,140,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $6,980,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $16,391,000,000, to remain available until expended, of which $12,233,000,000 shall be available on October 1, 2007, and $4,158,000,000 shall be available on October 1, 2008: Provided, That the amounts made available under this heading are provided as follows:

(1) $14,694,506,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2008 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the 2008 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: Provided further, That notwithstanding the first proviso, except for applying the 2008 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2008 based on the higher of the amounts the agencies would receive under the first proviso or the amounts the agencies received in calendar year 2007, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2008 equal to the amounts the agencies received in calendar year 2007, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the first proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the first proviso than they would receive under this proviso and that have been placed in receivership within the 24 months preceding the date of enactment of this Act; and (3) public housing agencies that spent more in calendar year 2007 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2007 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2006 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2007: Provided further, That notwithstanding the first two provisos under this paragraph, the amount of calendar year 2008 renewal funding for any agency otherwise authorized under such provisos shall be reduced by the amount of any unusable amount (as determined by the Secretary, due to limits in this paragraph with respect to an agency's authorized level of units under contract) in such agency's net restricted assets account, in accordance with the most recent VMS data in calendar year 2007 that is verifiable and complete, which exceeds 7 percent of the amount of renewal funding allocated to the agency for the calendar year 2007 funding cycle pursuant to section 21033 of Public Law 110–5, as amended by section 4802 of Public Law 110–28: Provided further, That up to $50,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs from portability under section 8(r) of the Act of tenant-based rental assistance; and (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation: Provided further, That none of the funds provided under this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph, after subtracting $723,257,000 from such amount, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last proviso, the entire amount specified under this paragraph, except for $723,257,000 shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60 day notification period with the written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso;

(2) $200,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: Provided, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing due to demolition, disposition, or conversion, subject only to the availability of funds;

(3) $49,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) up to $6,494,000 may be transferred to the Working Capital Fund;

(5) $1,351,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program and which up to $35,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $30,000,000 to be for fees associated with section 8 tenant protection rental assistance: Provided, That no less than $1,316,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2008 funding cycle on a basis to public housing agencies as provided in section 8(q) of the Act as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276);

(6) $20,000,000 for incremental voucher assistance through the Family Unification Program;

(7) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of

Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(8) $30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, for other nonelderly disabled families.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'', the heading ''Tenant-Based Rental Assistance'', and the heading ''Project-Based Rental Assistance'', for fiscal year 2007 and prior years, $1,250,000,000 are rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2008: Provided, That if insufficient funds exist under these headings, the remaining balance may be derived from any other heading under this title: Provided further, That the Secretary shall notify the Committees on Appropriations 30 days in advance of the rescission of any funds derived from the headings specified above: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $6,381,810,000, to remain available until expended: Provided, That the amounts made available under this heading are provided as follows:

(1) Up to $6,139,122,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $238,728,000 but not to exceed $286,230,000 for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Not to exceed $3,960,000 may be transferred to the Working Capital Fund.

(4) Amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,438,964,000, to remain available until September 30, 2011: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2008 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to $12,000,000 shall be for carrying out activities under section 9(h) of such Act; not to exceed $16,847,000 may be transferred to the Working Capital Fund; and up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: Provided further, That of the total amount provided under this heading, not to exceed $18,500,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters occurring in fiscal year 2008: Provided further, That of the total amount provided under this heading, $40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2008 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2008 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,200,000,000; of which $5,940,000 shall be for competitive grants and contracts to third parties for the provision of technical assistance to public housing agencies related to the transition and implementation of asset-based management in public housing: Provided, That, in fiscal year 2008 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), $100,000,000, to remain available until September 30, 2008, of which the Secretary of Housing and Urban Development shall use $2,400,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $630,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $2,000,000 shall be contracted for assistance for a national organization representing Native American Housing interests for providing training and technical assistance to Indian Housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided further, That of the amount provided under this heading, $1,980,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of

the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $9,000,000, to remain available until expended, of which $300,000 shall be for training and technical assistance activities.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $7,450,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $367,000,000.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,044,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $300,100,000, to remain available until September 30, 2009, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2010: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use not to exceed $1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and not to exceed $1,485,000 may be transferred to the Working Capital Fund.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $17,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2008, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,865,800,000, to remain available until September 30, 2010, unless otherwise specified: Provided, That of the amount provided, $3,593,430,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That not to exceed $1,570,000 may be transferred to the Working Capital Fund: Provided further, That $3,000,000 is for technical assistance as authorized by section 107(b)(4) of such Act: Provided further, That $62,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 305 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $179,830,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: Provided, That the amount made available for each grant shall be at the level of 98 percent of the corresponding amount cited in said explanatory statement: Provided further, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2006, 2007, and 2008, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $25,970,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: Provided further, That the amount made available for each initiative shall be at the level of 98 percent of the corresponding amount cited in said explanatory statement.

The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 846 by striking ''Mahonoy City, Pennsylvania for improvements to West Market Street'' and inserting ''Mahanoy City, Pennsylvania for improvements to Centre Street''.

The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 250 by striking ''for renovation and construction of a resource center'' and inserting ''for construction of a homeless shelter''.

The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 713 by striking ''for construction of a senior center'' and inserting ''renovation and expansion of facilities''.

The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 844 by striking ''Liverpool Township'' and inserting ''Liverpool Borough''.

The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 36 by striking ''respite care facility'' and inserting ''rehabilitative care facility for the developmentally disabled''.

The referenced statement of managers under this heading in title II of division I of Public Law 108–7 is deemed to be amended with respect to item number 608 by striking ''construct'' and inserting ''purchase and make improvements to facilities for''.

The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 521 by striking ''Missouri'' and inserting ''Metropolitan Statistical Area''.

The referenced statement of managers under the heading ''Community Development Fund'' in title II of Public Law 108–447 is deemed to be amended with respect to item number 203 by striking ''equipment'' and inserting ''renovation and construction''.

The referenced statement of managers under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 696 by striking ''a Small Business Development Center'' and inserting ''for revitalization costs at the College of Agriculture Biotechnology and Natural Resources''.

The referenced statement of managers under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 460 by striking ''Maine-Mawoshen One Country, Two Worlds Project'' and inserting ''Sharing Maine's Maritime Heritage Project—Construction and access to exhibits''.

The referenced statement of managers under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 914 by striking ''the Pastime Theatre in Bristol, Rhode Island for building improvements'' and inserting ''the Institute for the Study and Practice of Nonviolence in Providence, Rhode Island for building renovations''.

The referenced statement of managers under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 918 by striking ''South Kingstown'' and inserting ''Washington County''.

The referenced statement of managers under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 624 by striking ''for the construction of a new technology building'' and inserting ''for renovations to the Wheeler Community Center''.

The referenced statement of the managers under this heading in Public Law 109–115 is deemed to be amended with respect to item number 1065 by inserting ''South'' prior to ''Burlington''.

The referenced statement of managers under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 102 by striking ''for preservation of the CA Mining and Mineral Museum'' and inserting ''for planning, design, and construction of the CA Mining and Mineral Museum'' in its place.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, to remain available until September 30, 2009, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $205,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $10,000,000, to remain available until September 30, 2009: Provided, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,704,000,000, to remain available until September 30, 2010, of which not to exceed $3,465,000 may be transferred to the Working Capital Fund: Provided, That up to $12,500,000 shall be available for technical assistance: Provided further, That of the total amount provided in this paragraph, up to $50,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That, from amounts appropriated or otherwise made available under this heading, $10,000,000 may be made available to promote broader participation in homeownership through the American Dream Downpayment Initiative, as such initiative is set forth under section 271 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821).

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $60,000,000, to remain available until September 30, 2010: Provided, That of the total amount provided under this heading, $26,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That $33,500,000 shall be made available for the first four capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which up to $5,000,000 may be made available for rural capacity building activities.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,585,990,000, of which $1,580,990,000 shall remain available until September 30, 2010, and of which $5,000,000 shall remain available until expended for rehabilitation projects with ten-year grant terms: Provided, That of the amounts provided, $25,000,000 shall be set aside to conduct a demonstration program for the rapid re-housing of homeless families: Provided further, That of amounts made available in the preceding proviso, not to exceed $1,250,000 may be used to conduct an evaluation of this demonstration program: Provided further, That funding made available for this demonstration program shall be used by the Secretary, expressly for the purposes of providing housing and services to homeless families in order to evaluate the effectiveness of the rapid re-housing approach in addressing the needs of homeless families: Provided further, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That not to exceed $2,475,000 of the funds appropriated under this heading may be transferred to the Working Capital Fund: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2008.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $735,000,000, to remain available until September 30, 2011, of which up to $628,850,000 shall be for capital advance and project-based rental assistance awards: Provided, That, of the amount provided under this heading, up to $60,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $24,750,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That not to exceed $1,400,000 of the total amount made available under this heading may be transferred to the Working Capital Fund: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $237,000,000, to remain available until September 30, 2011: Provided, That not to exceed $600,000 may be transferred to the Working Capital Fund: Provided further, That, of the amount provided under this heading $74,745,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with section 811 Capital Advance Projects.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $27,600,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts made available under the heading ''Rent Supplement'' in Public Law 98–63 for amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $37,600,000 are rescinded.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2007, and any collections made during fiscal year 2008 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2008 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act:

Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2008, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2008, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative contract expenses, $77,400,000, of which not to exceed $25,550,000 may be transferred to the Working Capital Fund, and of which up to $5,000,000 shall be for education and outreach of FHA single family loan products: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2008, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $45,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

For administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $78,111,000, of which not to exceed $15,692,000 may be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2008, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

For discount sales of multifamily real property under sections 207(1) or 246 of the National Housing Act (12 U.S.C. 1713(l), 1715z–11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a), and for discount loan sales under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Act, 1997 (12 U.S.C. 1715z–11a(a)), $5,000,000, to remain available until September 30, 2009.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2009.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $51,440,000, to remain available until September 30, 2009: Provided, That of the total amount provided under this heading, up to $5,000,000 shall be for the Partnership for Advancing Technology in Housing Initiative: Provided further, That of the funds made available under this heading, $23,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): Provided further, That activities for the Partnership for Advancing Technology in Housing Initiative shall be administered by the Office of Policy Development and Research.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $50,000,000, to remain available until September 30, 2009, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $380,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $145,000,000, to remain available until September 30, 2009, of which $8,800,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That of the total amount made available under this heading, $2,000,000 shall be available for the Big Buy Program to be managed by the Office of Healthy Homes and Lead Hazard Control.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, $155,000,000, to remain available until September 30, 2009: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $112,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $66,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2008: Provided further, That not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: Provided further,

That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2008 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2008 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2008 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2008 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2008, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2008 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2008, the Secretary shall transmit this information to the Committees by March 15, 2008 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2008 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 212. The President's formal budget request for fiscal year 2009, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall

use the identical account and sub-account structure provided under this Act.

SEC. 213. Amounts made available in this Act or previous appropriations Acts for tenant-based rental assistance and used for non-elderly disabled families or for the Family Unification Program shall, to the extent practicable, remain available for each such respective purpose upon turn-over.

SEC. 214. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 215. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects;

(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;

(3) the receiving project or projects shall meet or exceed applicable physical standards established by the Secretary;

(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;

(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy;

(6) the Secretary determines that this transfer is in the best interest of the tenants;

(7) if either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;

(8) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions;

(9) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section; and

(10) the Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 216. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 217. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)

SEC. 218. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

SEC. 219. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2008, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 220. Notwithstanding any other provision of law, in fiscal year 2008, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 221. The National Housing Act is amended—

(1) in sections 207(c)(3), 213(b)(2)(B)(i), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and 234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II), 1715l(d)(4)(ii)(II), 1715v(c)(2)(B), and 1715y(e)(3)(B))—

(A) by striking ''140 percent'' each place such term appears and inserting ''170 percent''; and

(B) by striking ''170 percent in high cost areas'' each place such term appears and inserting ''215 percent in high cost areas''; and

(2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C. 1715k(d)(3)(B)(iii)(III)) by striking ''206A'' and all that follows through ''project-by-project basis'' and inserting the following: ''206A of this Act) by not to exceed 170 percent in any geographical area where the Secretary finds that cost levels so require and by not to exceed 170

percent, or 215 percent in high cost areas, where the Secretary determines it necessary on a project-by-project basis''.

SEC. 222. (a) During fiscal year 2008, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 223. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 224. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''2003'' and inserting ''2008''; and

(2) in subsection (o), by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

SEC. 225. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 226. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1),(2)): Provided, however, that a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under sections 9(g)(1) or 9(g)(2).

SEC. 227. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 228. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost and a substantive rationale for using a sole source contract.

SEC. 229. Section 9(e)(2)(C) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C)) is amended by adding at the end of the following:

''(iv) EXISTING CONTRACTS.—The term of a contract described in clause (i) that, as of the date of enactment of this clause, is in repayment and has a term of not more than 12 years, may be extended to a term of not more than 20 years to permit additional energy conservation improvements without requiring the reprocurement of energy performance contractors.''.

SEC. 230. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–281) by making individually the Alaska Housing Finance Corporation and the housing authorities of the counties of San Bernardino and Santa Clara and the city of San Jose, California a Moving-to-Work Agency under such section 204.

SEC. 231. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not rescind or take any adverse action with respect to the Moving-to-Work program designation for the Housing Authority of Baltimore City based on any alleged administrative or procedural errors in making such designation.

SEC. 232. Paragraph (4) of section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this paragraph, with respect to any fiscal year beginning after September 30, 2007, the cities of Alton and Granite City, Illinois, shall be considered metropolitan cities for purposes of this title.''.

SEC. 233. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 234. Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and maintain on the homepage of the Internet website of the Department of Housing and Urban Development—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Housing and Urban Development; and

(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Housing and Urban Development.

SEC. 235. (a) REQUIRED SUBMISSIONS FOR FISCAL YEARS 2007 AND 2008.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal year 2007 and 2008—

(A) a complete and accurate accounting of the actual project-based renewal costs for project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) revised estimates of the funding needed to fully fund all 12 months of all project-based contracts under such section 8, including project-based contracts that expire in fiscal year 2007 and fiscal year 2008; and

(C) all sources of funding that will be used to fully fund all 12 months of the project-based contracts for fiscal years 2007 and 2008.

(2) UPDATED INFORMATION.—At any time after the expiration of the 60-day period described in paragraph (1), the Secretary may submit corrections or updates to the information required under paragraph (1), if upon completion of an audit of the project-based assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such audit reveals additional information that may provide Congress a more complete understanding of the Secretary's implementation of the project-based assistance program under such section 8.

(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2009.—As part of the Department of Housing and Urban Development's budget request for fiscal year 2009, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2009, including expiring project-based contracts.

SEC. 236. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than ninety days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD sub-account under the headings ''Executive Direction'' and ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 237. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 238. Of the unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under the heading ''Tenant-Based Rental Assistance'' under section 21033 of Public Law 110–5, $723,257,000 are rescinded from the $4,193,000,000 which became available pursuant to such section on October 1, 2007.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2008''.

TITLE III

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board,

as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $6,150,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $22,072,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $84,499,000, of which $74,063 is available for payments to remedy the violation of the Anti-deficiency Act reported by the National Transportation Safety Board on September 26, 2007, and not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2008 only, on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $119,800,000, of which $5,000,000 shall be for a multi-family rental housing program.

For an additional amount, $180,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) or the NRC (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to states and areas with high rates of defaults and foreclosures primarily in the sub prime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of sub prime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD- or NRC-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements;

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments;

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-federal party, counseling regarding the possible purchase of the mortgage by a non-federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties;

(4) NRC shall award $50,000,000 in mortgage foreclosure mitigation grants for States and areas with the greatest needs within 60 days of enactment. Additional funds may be awarded once the NRC certifies that HUD- or NRC-approved counseling intermediaries and State Housing Finance Agencies have the need for additional funds in states and areas with high rates of mortgage foreclosures, defaults, or related activities and the expertise to use these funds effectively. The NRC may provide up to fifteen percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety;

(5) NRC- or HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements;

(6) Of the total amount made available under this paragraph, up to $5,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD- or NRC-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training;

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry-out activities provided under this section;

(8) Mortgage foreclosure mitigation assistance may include a budget for outreach and advertising, as determined by the NRC; and

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at-risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,150,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking ''2007'' and inserting ''2008''.

TITLE IV

GENERAL PROVISIONS THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report

to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall remain available through September 30, 2009, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2008. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. None of the funds made available in this Act may be used to provide homeownership assistance for applicants described in 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 410. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 411. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 412. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 413. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 414. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 415. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

This division may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008''.

AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2764

Page 227 of the amendment of the Senate, strike lines 3 through 5 and insert the following (and conform any table of contents accordingly):

DIVISION L—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR OPERATION ENDURING FREEDOM AND FOR OTHER PURPOSES

TITLE I

SEC. 101. It is the sense of the Congress that the performance of United States military personnel should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately.

SEC. 102. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984)—

(1) section 2340A of title 18, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 103. Not later than February 15, 2008, the President shall submit to the Congress in classified and unclassified form a comprehensive regional stability plan for the Middle East, which shall include a military, diplomatic, political and economic strategy that provides for the national security interests of the United States in the region and for the engagement of targeted counterterrorism operations. The plan shall include a detailed description of the projected United States military force presence in and around the Middle East region for the 5-year period beginning on October 1, 2008.

SEC. 104. None of the funds provided in this Act shall be available to fund Operation Iraqi Freedom. The prohibition in this section shall not apply to the purchase or fielding of body armor and other force protection items to protect United States military and civilian personnel in the areas of operation.

TITLE II

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $311,471,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $19,058,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,797,966,000: Provided, That funds made available under this heading shall be used only in support of Operation Enduring Freedom.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $350,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,010,671,000: Provided, That funds made available under this heading shall be used only in support of Operation Enduring Freedom.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $800,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $483,000,000, of which not to exceed $333,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

AFGHANISTAN FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For ''Afghanistan Freedom Fund'', $2,529,963,000, to remain available for transfer only to support operations in Afghanistan and related activities in support of the Global War on Terror: Provided, That none of the funds provided herein shall be used for activities in Iraq: Provided further, That the Secretary of

Defense and the Director of National Intelligence shall, no fewer than 30 days prior to making transfers under this authority, notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the details of any such transfer made for intelligence activities: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $4,269,000,000: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,176,000,000.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $524,800,000.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $644,150,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $114,600,000, for operation and maintenance, for care for wounded and injured military personnel and for enhanced soldier and family support including psychological health.

GENERAL PROVISIONS

SEC. 201. Appropriations provided in this Act are available for obligation until September 30, 2008, unless otherwise provided in this Act.

(TRANSFER OF FUNDS)

SEC. 202. (a) Upon a determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this Act.

(b) The Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section.

(c) The authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2008, except for the fourth proviso.

SEC. 203. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 204. None of the funds provided in this Act may be used to finance programs or activities denied by the Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program unless such program or project must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 205. (a) From funds made available for operation and maintenance in this Act to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Afghan people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 206. (a) During fiscal year 2008, funds available in this Act to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to Coalition forces supporting military and stability operations in Afghanistan.

(b) The Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 207. Of the funds appropriated within Public Law 110–116, not less than $6,900,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Army'' and not less than $500,000,000 under the heading ''Operation and Maintenance, Marine Corps'' shall be available only to support child care center operations, family and youth activities, custodial services, training range operations, family advocacy programs, base force protection activities and military recruiting programs, to include pay for civilian employees of the Department of Defense.

SEC. 208. Each amount appropriated or otherwise provided in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

This Act may be cited as the ''Operation Enduring Freedom Emergency Appropriations Act, 2008''.

The SPEAKER pro tempore. Pursuant to House Resolution 878, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks on the pending legislation.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think people know what this bill is all about and, at this point, I don't have any intention of talking more about it, unless provoked.

But let me simply take this time to bring to the House's attention the fact that Frank Cushing, who is a 23-year Hill veteran, is leaving the Congress at the end of this term. Frank has served as the staff director for the Republican majority, and now also for the Republican minority. He's also, in the past, served the House as the chief clerk of the VA/HUD Appropriations Subcommittee.

And I know I should not say it in this body, but he also served numerous positions in the Senate, including staff director for both the majority and minority of the Committee on Energy and Natural Resources and clerk of the Interior Appropriations Subcommittee.

I think that the House owes Frank a debt of gratitude for the work that he's done through the years. I think the country owes Frank a debt of gratitude. He's a fine public servant. I hate to see him go, and I'm sure that that sentiment is shared in spades by the gentleman from California and the other side of the aisle. So I want to extend my best wishes to Frank.

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

Mr. LEWIS of California. Mr. Speaker, let me begin by expressing my appreciation to Mr. OBEY for recognizing the fabulous work of Frank Cushing. We expect we'll do more of this as we go forward in the several days ahead of us, but in the meantime, his thoughtfulness is very much appreciated by all of us on this side who have worked so closely with Frank on the appropriations process.

It's not my intention to speak extensively on this matter. There are some things that do need to be said. But, nonetheless, all of us know in 7 days it will be Christmas Eve. Tonight I find myself more hopeful than just a few days ago that we will be home, if we choose, by Christmas.

Tonight the House is considering a massive year-end omnibus spending package. I must confess that while I

know the broad parameters of what's included in this package, the details are still not widely known. I'm told that it adheres to the President's top line on spending, which is encouraging and, obviously, a step in the right direction.

I am pleased that, though, through the weekend negotiations Chairman OBEY and other leaders have agreed to drop provisions that would have triggered a Presidential veto. Still, I'm troubled by the fact that these two amendments before us fail to provide any funding to our men and women in uniform in Iraq; yet I remain hopeful that this oversight will soon be addressed by the other body.

It's unfortunate that we find ourselves considering an omnibus package at all for it represents to, I think, both the chairman and myself a breakdown of regular order. I do not blame Chairman OBEY for this breakdown.

This year the House passed each of the spending bills in an orderly fashion. And while I believe that these bills spent too much money, the House Appropriations Committee kept its word by completing its work. The breakdown of regular order, particularly in the other body, is largely to blame, once again, on our failure to complete our work on time in the regular order of the year.

Our Congress, our country are best served when we move our individual bills through the legislative process. It is the only way that we can provide adequate oversight, both policy and spending, that is. That challenge was particularly acute this year with a Democratic majority writing and passing spending bills that initially exceeded the President's budget by some $23 billion. The President has been very clear all year long that he would veto any spending bill that exceeded his budget request. All told, the House spending bills, as passed last summer, dramatically exceeded the President's budget request, and yet, for months, the Democratic majority chose to dismiss or ignore the President's clear intent.

We are now 78 days into the new fiscal year, and it appears that after months of work by our exhausted committee staff, we are on the verge of having a spending package the President may be able to sign. I say may be able to sign because this package, lacking adequate funding for our troops, is still incomplete. For this reason, I'm not able to endorse legislation as presently written. I cannot and will not support a spending package that fails to provide for the needs of our troops in harm's way in Iraq and Afghanistan. Where the House has failed to act, I'm hopeful that the Senate will demonstrate its leadership. It is absolutely essential that the Senate support our troops with no strings attached.

Before closing, Mr. Speaker, let me take a moment to express my appreciation to all of our staff. As DAVID has expressed, the fabulous work by Frank Cushing, he's been supported on our side, as DAVID has on his side, by very hardworking, very fine people who have been working day in, day out, night and day over the weekends. They have prepared this legislation as best their side would allow them, and our side as well. Many of our staff have not yet put a Christmas tree up and even begun to prepare for the holidays because of the work of the committee. Let me say to each of you, I thank you, thank you for your fine work. All of our professional staff has worked together as a team on both sides.

Again, I remain hopeful that the Senate will amend this spending package and quickly return it for our consideration. Until then, I must reluctantly urge my colleagues, I'd include in that even committee members on both sides of the aisle, I encourage our colleagues to oppose this legislation.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, this legislation that is before us will fund our government this calendar year. That was not done last year. Would that it had been done sooner. Would that it had addressed the priorities that we believe the American public supported strongly in November of last year. Would that we were investing the appropriate amounts in education, in health care, in the environment and community health centers and NIH basic biomedical research. Would that we funded them at reasonable levels.

The President indicated that he was going to veto, as Mr. LEWIS said, a bill that was not at his figures. I have observed that this President believes that his budget was sent down on tablets, not on paper. I think that's unfortunate.

The Constitution of the United States, of course, gives to the Congress of the United States sole authority to set policies for the United States. In fact, our Founding Fathers never contemplated the budget autonomy that this administration has sought for itself.

However, having said that, as Mr. OBEY, our chairman has said, rightfully, the votes are what they are. The necessity to come to compromise in a democracy is inescapable if, in fact, both sides can create stalemate. In this instance both sides could create stalemate. That is not, however, the objective of our side. We believe that we ought to, and have a responsibility to, fund our government. This bill does that. This bill does that after having passed all 12 of our appropriation bills prior to the August recess. Unfortunately, we find ourselves at this late date, however, not having completed all of our conference reports and having to move forward.

This bill is a relatively long bill, not the longest bill we will have considered in this manner, but a relatively long bill. It looks even longer if you only print on one side of the page to make a more dramatic presentation.

Having said that, this bill incorporates all of the bills that passed this house. This is not as if these are items of first impression. They are bills that we considered in this House and passed with essentially overwhelming bipartisan votes.

I remember when Mr. LEWIS' side was in charge of the House and they got five or six Democrats to vote for it, it was a bipartisan bill. We've averaged 60 votes, if you take out the Legislative bill, on which essentially games were being played, and perhaps the Foreign Ops bill. You have over 60 average votes on the Republican side.

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This is bipartisan legislation. Ninety-five percent of the bill that is presented here has been considered before. I want to congratulate Mr. OBEY for the work that he's done. I want to congratulate Mr. LEWIS for the work he's done.

More specifically, I want to thank the staff. The staff rightfully ought to be exhausted. This staff has spent unbelievable amounts of time in putting this bill together.

It is like every bill we pass, not a perfect bill. It is a bill, as Mr. LEWIS said, that the President has indicated that he might possibly sign. That is, after all, the reality in a democratic environment, where you have the people, having selected a Democratic House, and as one of my friends observed the other day, they elected a third in the Senate. Two-thirds of the United States Senate was elected in 2002 and 2004. Only a third of the Senate was elected in this last election. So it may not be as reflective of the will of the American people as this House is.

This House did its business on time. This House passed responsible bills. Yes, it was $22 billion over. Mr. LEWIS may be surprised to know that from 2002 to 2006 he spent more on discretionary spending. I know you are going to want to hear this figure: you spent a higher percentage of GDP on discretionary spending than these bills do.

We have invested. We believe the investments included in this bill are the minimal that we ought to make, and we're hopeful that Members on both sides of the aisle can vote for this bill in a nonpartisan, bipartisan fashion. There will be some who vote against these bills because essentially they believe we ought not to be investing significant sums in education and in health care and public safety. The President's budget reflected that philosophy. That is not our philosophy. It's not the philosophy, we believe, of the American people.

So, my friends in this House, I would urge as we come to the end of this session that we pass this bill. It is not what each and every one of us wanted in this bill. There's more perhaps in

this bill than some want and less than some others want, but it is in the exercise of the democratic process the possible. It funds our government, it moves us forward, and it is worthy of our support.

I thank the chairman; and, yes, I thank the ranking member for their work, and I urge my colleagues to vote ''yes'' on this omnibus appropriation.

Mr. LEWIS of California. Mr. Speaker, I'm pleased to yield 2 minutes to the ranking member of the Financial Services Subcommittee of Appropriations, Mr. REGULA of Ohio.

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

Mr. REGULA. Mr. Speaker, I thank the chairman for yielding.

I simply want to compliment Chairman SERRANO in providing great leadership in the financial services area. This is one of the few bills that was substantially under the President's request, and in fact, it's more than $1 billion under the President's request, which was kind of unusual.

But more importantly, I won't begin to get into all the features of the bill, but because of the news in a recent editorial in The Post, we note that Mayor Fenty and Chancellor Ray are trying to improve the school system of the City of Washington. That's a huge challenge; and in this bill, we've tried to give them as much support as possible in their effort to improve the opportunities for the young people in the Washington, D.C., community. This city should be a leader in education.

Secondly, and there's language in here and I don't know how many of you noted in The Post a couple of weeks ago a story indicating that D.C. has the highest HIV/AIDS rate of any major capital in the world. That's shameful and should not be, and we've provided language in this bill to not only provide help to other countries but to provide help to this city to address that problem and a lot of other features which, regarding the interests of time, I won't get into.

As ranking member of the Financial Services and General Government Subcommittee, I would like to thank Chairman SERRANO for creating such a fair and open environment in composing the Financial Services and General Government portion of this bill. Chairman SERRANO has provided great leadership, knowledge, and an inclusive spirit while shepherding this bill through. Additionally, my colleagues on the subcommittee have provided valuable insight to the final product before us today. Lastly, but equally as important, I would like to recognize the hard work, dedication and expertise of the subcommittee staff on both sides of the aisle without which none of this would be possible.

The Financial Services and General Government Appropriations Bill allocates $20.6 billion in discretionary budget authority. By taking into consideration the priorities of the President and the Members of the House and Senate, we have produced a bill that meets the needs of Americans, and the operations of our government while staying $1.1 billion below the President's budget request and approximately $800 million below the House request. I appreciate the efforts of our counterparts in the Senate in helping us put forth this compromise.

Although the subcommittee's allocation is below the President's request, it is still a significant increase from fiscal year 2007 and contains more than adequate funds for the 32 agencies in this bill to fulfill their missions. The bill provides funding for a diverse number of agencies that affect the lives of all Americans. The agencies funded in this bill regulate the financial and telecommunications industries, collect taxes and provide taxpayer assistance, protect consumers from harmful products, lend a helping hand to small businesses and disadvantaged communities by providing them with capital, support the operations of the White House and Federal Judiciary, provide Federal payments to the District of Columbia, operate and maintain Federal buildings, manage our Federal workforce, which is expected to experience tremendous attrition rates over the next 10 years, assists in the administration of Federal elections and protects consumers and investors from fraudulent practices.

At this time I would like to highlight several items of importance to me.

I am particularly pleased at the $97 million for Small Business Development Centers, an increase of nearly $10 million. The Small Business Development Centers account is the Small Business Administration's primary method of providing management assistance to small businesses. In my State of Ohio we have over 889,000 small businesses, and every dollar invested in the OHIO SBDC network leverages at least $2. This program is vital to the life of small business.

I am also encouraged to see $1.1 million for Treasury's Office of Financial Education, an increase of approximately $400,000 over the President's request. The increase is targeted toward improving the National Strategy for Financial Literacy and expanding efforts at financial literacy in elementary schools and high schools. Financial literacy is a very important life skill, and I look forward to working with the chairman to further develop this initiative to ensure maximum programmatic impact.

Additionally, the bill increases essential funding for the Internal Revenue Service to close the nearly $300 billion tax gap. Closing the tax gap is critical as most Americans do not mind paying their fair share of taxes as long as they know others are doing the same. Furthermore, $3.6 billion is set aside for taxpayer support services activities aimed at tax return preparation, the IRS National Taxpayer Advocate and IRS outreach and education efforts to serve taxpayers by helping them understand their tax obligations before they file. These activities have been steadily reduced in recent years and are in need of a boost.

Last, but not least, I am supportive of the funding appropriated in the bill to improve education in the District of Columbia. We are in a unique position to help the new Chancellor and Mayor provide a better future for the children of Washington. The children in Washington, DC, have been at a disadvantage for many years, and I look forward to working with the Mayor to enhance the school system to give the children of DC a chance to succeed.

Also, the bill contains language regarding HIV/AIDS in DC. One in every 20 city residents in Washington, DC, is thought to have HIV, and one in every 50 has AIDS; these rates are higher than those in many poorer countries. I find this astonishing and disheartening. I look forward to working with my colleagues, the Mayor, and the administration to address this serious problem.

Chairman SERRANO has done a fair job in allocating funds to the various agencies within the bill. However, I do have a couple of spending concerns, which I would like to outline.

Primarily, I am concerned about $125 million added to this bill in unrequested funding for election assistance grants. This program has not been authorized to receive funding in 2008, and there still remains a large carryover balance, which leads me to believe this money cannot be used effectively before the 2008 elections.

I am also concerned about the elimination of funding for the Department of Homeland Security to begin planning their new headquarters building. This funding is critical to begin relocating DHS employees who are currently spread out all across Washington, DC, under one roof.

Lastly, I am pleased to note that all of the contentious policy riders have been eliminated from the bill. Therefore, I strongly support the Financial Services and General Government section of this bill.

Mr. OBEY. Mr. Speaker, I have no speakers at this time.

Mr. LEWIS of California. Mr. Speaker, can you tell us how much time there is on each side.

The SPEAKER pro tempore. The gentleman from California has 23 minutes remaining. The gentleman from Wisconsin has 27 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I'm pleased to yield 2 minutes to my colleague, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

First, I'd like to associate myself with the chairman's comments in recognizing Frank Cushing and his accomplishments and wishing him well in his retirement.

Mr. Speaker, this is a bill that's 3,565 pages. Yes, I'm seeing that it was printed on one side, but this is the bill that was handed to us by the majority staff in the Rules Committee. It's their bill. They printed it for us, 34.4 pounds.

This bill has, we think, 9,200 earmarks in it. We believe hundreds of these earmarks were air-dropped, never seen before in the House, never seen before in the Senate, brand new, just delivered right here on this House floor. We received this bill today. We'll be voting on this bill in about 10 minutes.

This bill takes $10 million from border security to commit $10 million of taxpayer funds to hire defense attorneys for illegal immigrants. We don't know exactly how they do that, but that's in here.

The point is, Mr. Speaker, this is a bad day for this House. This is a bad day for the fiscal policy of this country. We are about to vote on a bill that commits about $515 billion in spending, 3,500 pages long, 9,200 earmarks, many we've never seen before; and we're

going to vote on this in about 10 minutes, and we'll have had less than 1-hour debate on the entire measure.

This is no way to run a railroad, Mr. Speaker, and sadly, it has been run like this in the past. The new day we were promised with the new majority, in fact, is not a new day. Unfortunately, it's like days of old.

I'm very pleased that the number did not go up to where the majority wanted it to go, an extra $23 billion, which would have brought another $196 billion of deficit spending into the budget. Thankfully we're at that lower number; but when you look at this process, when you look at what's in this bill, as we are just getting through this bill, this bill should be defeated; and I urge a ''no'' vote on this legislation.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

The last people I will take any lectures from on earmarking are my colleagues on the other side of the aisle. The last time I chaired the Labor-Health-Education appropriation bill, there were no earmarks. In the last year of the Republican regime, there were over 3,000. Earmarks exploded under their rule.

Two years ago, there were $16 billion in earmarks. The bill that we bring tonight contains a 43 percent reduction in that amount. In July, I offered this House an opportunity to strip all earmarks from the bill. We got exactly one Republican vote out of five in support of that motion. We got 45 Republican votes for that motion, less than 22 percent.

Last week, I suggested again that all earmarks be removed. I was run over by a majority of both caucuses.

Let me also point out that if the gentleman is complaining about so-called air-drops in projects, of course there are projects that were air-dropped. There were two appropriation bills that left the House that had no earmarks because they were the first ones out of the box, and we were trying to stay on schedule. Every Member in the House except the most obtuse knew that those earmarks would have to be added in the Senate, and they were, in the Homeland Security bill and in the Military Construction bill.

As far as the Labor-Health Subcommittee is concerned, the earmarks that were added there are only the earmarks that were added from Members who were not in the House at the time that the House bill passed. Those districts are entitled to representation, too, and those Members are entitled to be treated with consideration, just as every other Member of the House is.

So with all due respect, one last point: the gentleman complains, again, about the fact that we are passing an omnibus appropriation bill containing hundreds of pages and billions of dollars. I will hold that in this hand. I'm holding in my right hand all of the pages from the domestic budget that the Republican Congress passed when they were in power. You know how many pages there were? None, because they never got the job done on a single appropriation bill.

So if I have to choose between getting our work done in an omnibus bill like this or doing nothing and turning your job over to the next Congress, pardon me, it may not be elegant, but I'll take the product that chose the work.

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

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the distinguished ranking member for yielding.

There are so many different reasons, Mr. Speaker, that we should oppose this massive omnibus spending bill, not the least of which is the process. The process can lead to bad results.

When the Speaker, Speaker PELOSI, was the minority leader, she said this was a terrible process. In fact, I quote: ''The Republican leadership forced through a so-called 'martial law' rule that required a same-day vote, preventing Members of Congress from having enough time to read legislation that spent hundreds of billions of dollars and was thousands of pages long. This arrogance of power is part of a pattern of abuse.''

Now, that's what the Speaker thought when somebody else was in control; but now that her party is in control, I guess it's perfectly appropriate to present a 3,565-page bill on the very same day, of which I'm told 692 pages are devoted to earmarks, and for us to spend approximately 60 minutes debating $515 billion. If I did the back-of-the-envelope math properly, we're debating $9.1 billion of the people's money each minute.

Where's the transparency here, Mr. Speaker? Where's the accountability? And this is a bill that still grows government at twice the rate of inflation. There's not one Member of this body who knows what is in this bill, and I'd include the distinguished chairman of the Appropriations Committee. It defies logic that any one Member of this body knows what's in the bill. It should be rejected on that alone.

But, Mr. Speaker, ultimately this bill puts us on a path to double taxes on the next generation, and don't take my word for it. Listen to the director of the Congressional Budget Office appointed by the Democrat majority. Listen to the Comptroller General. They all say the same thing. Reject this monstrosity.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

The gentleman complains that we're spending 60 minutes debating the contents of this bill tonight. Mr. Speaker, do you know how many minutes we spent debating the contents of the domestic appropriation bill conference reports in the last session of Congress when the Republicans controlled? Zero, because they produced zero legislation.

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They left their dirty work to us, so we had to do twice the work this year because they didn't do any of it on the domestic side of the ledger last year. So 60 minutes may not be a lot to debate, but it's a whole lot more than zero.

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

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS), the ranking member of the Budget Committee.

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, 10 bills into one omnibus bill divided into two parts: fund the government, nonmilitary; fund Afghanistan.

What about Iraq?

2007 has been a remarkably positive year for our troops in Iraq, for the Iraqi Government, for the Iraqi people. But too many in this Congress are reluctant to acknowledge the success. The training of Iraqi military, police, border patrol is finally beginning to pay off. The surge is working. The tribal leaders are siding with us, not al Qaeda. So what about Iraq? And what about our troops in Iraq? We can fund our troops in Afghanistan but we can't fund our troops in Iraq?

Our troops in Iraq deserve better. They have overcome one obstacle after another. Unlike last year, we are winning in Iraq. We need to draw down our troops month by month, but our troops in Iraq deserve to be fully funded until then.

I look forward to the Senate's acting more responsibly than this House and giving us a bill that will fund Iraq as well.

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

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I didn't plan to speak on the bill itself. I already spoke on the rule. But I have been hearing some of the conversation in my office and felt I had to come down.

The honorable majority leader mentioned that there are things in this bill we have seen before. That's not entirely true. There are literally hundreds and hundreds of earmarks that we have not seen before. Now, some of them are part of the bills that passed without earmarks, MilCon or homeland security. But in the case of homeland security, we were told we could do that because that's not a bill that is traditionally earmarked. It hasn't been.

Well, it is now. There are more than 100 earmarks there.

And the gentleman from Wisconsin mentioned that in Labor-HHS, there were only earmarks added for new Members who are coming because they are entitled to representation.

I would suggest that nobody is entitled to get earmarks. You're entitled

here, as a Member of Congress, to exercise oversight in how the Federal agencies spend money. It doesn't entitle you to get earmarks.

And, also, on that same point, we have the Energy and Water bill that we did consider, and there were hundreds, if not, I think, close to 1,000 earmarks there. Well, we added 34 more. I will just highlight one of them. There's one for the Northwest Regional Planning Commission manufacturing conversion for energy efficiency, a $5 million earmark.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, the Energy and Water Subcommittee didn't add 36 earmarks. It added 38.

Mr. FLAKE. I said 34, but I will take your correction. Thank you.

But, Mr. Speaker, these were earmarks that were added in addition to what was there before. They were airdropped. They are earmarks that we haven't seen before that we do not have an opportunity here to strike or even debate. I mean, there are some of them that are simply for a city. We are told Findlay, Ohio, will get $100,000. For what? Ottawa, Ohio, $100,000. For what? We don't know. The City of Santa Clarita, California, will get $41,000. For what? We have no idea.

We simply don't know what's in this bill. How can we be voting on it?

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

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

Mr. Speaker, I want to express my appreciation for the tremendous work done by the entire staff. It's already been mentioned by the gentleman from California. I want to publicly express my gratitude to the entire staff on both sides of the aisle as well as the associate staff and especially Rob Nabors, our staff director on the committee.

I don't think Members sufficiently appreciate how many nights in a row these staff people go without sleep. These people have literally been here virtually around the clock for the last 3 days. It's a miracle that they don't make some major mistakes.

I also want to express our special concern tonight for Dixon Butler, a staffer who has served the committee very well who underwent some very serious surgery yesterday. I think it's safe to say that Members on both sides of the aisle are very concerned about him, and we hope he'll take all the time he needs to get well.

I also want to make a few remarks to put this bill in context, because it is the major domestic achievement of the Congress for this year.

Last year, Mr. Speaker, in November, the public sent two messages. One was that they wanted to end the war in Iraq. The second was that they wanted a change in national priorities. We have struggled mightily to bring about both, and we have failed for two reasons. Number one, because we have not had enough votes in the Senate. The public thinks that my party has control of the United States Senate. Unfortunately, we merely have custody of it. Under their peculiar rules, they require 60 percent of the votes to make a major decision. We only have 51 percent of those votes on our side of the aisle in the Senate.

The second reason that we have failed to accomplish a good many things that we wanted to accomplish is because the President, after the election, essentially told the American people, Forget what message you thought you were sending. I'm the great decider. We're going to continue to do things my way. And that is what he has tried to do.

The result is that we have passed bills to try to change direction in Iraq twice. The President vetoed one of them, and he has blocked action on the other one in the United States Senate. He has insisted that we spend nearly $200 billion more for Iraq, but he said at the same time that we could not afford one-tenth that amount for crucial investments here at home.

We sent appropriation bills containing 70 percent of domestic discretionary spending to the President. On a bipartisan basis we sent those bills down. We averaged almost 60 Republican votes. He chose the veto path instead, and so only the Defense appropriation bill has become law.

He has insisted that he write the top line in the budget. If we did that, we would have cut 800 grants from the National Institutes of Health. We would have cut access to health care by $600 million. We would have cut rural health by 54 percent, vocational education by 50 percent. We would have eliminated every student aid program except Pell Grant and Work-Study. We would have cut the State and local law enforcement grants by $1.2 billion. We would have cut deeply into renewable energy.

We sent to him legislation which had very different priorities. He vetoed it. Next we asked, Why don't we split the difference? Why don't we go halfway to the President and have him come halfway to us? His response was, No way.

So now, as the majority leader has said, we're at the end of the road. This is the last chance to produce a set of domestic priorities that are different from those the President proposes.

In my view, this bill is totally inadequate to meet the long-term investment needs of the country, but it is a whole lot better than would have been the case if we had not waged the fight. Because of that fight, this bill will contain $600 million more than the President wanted for the National Institutes of Health. It will contain $1 billion more than the President wanted for community health centers and other points of health care access. It will contain $150 million more to help rural communities deal with their health problems. It will contain $150 million more for the Social Security Administration to deal with its disability backlogs. It will contain $800 million more in elementary and secondary education than the President wanted. It will provide $575 million above the President for vocational education. It will provide $1.2 billion more in State and local law enforcement assistance than the President wanted. It will provide $1.8 billion more for homeland and border security. And it will provide $500 million more for renewable energy and energy efficiency.

And, most importantly, it will provide $3.7 billion more for veterans' health care. It seems to me if the President can ask us to spend $200 billion more on the war in Iraq, we can spend $3.7 billion more to help those who wage the war at great risk to their own health and their own lives.

This bill also contains $7 billion in emergency funding. Eighty-five percent of that money has been asked for by the administration. It didn't originate here.

All in all, we have been able to move about $21 billion into a better set of priorities than we were presented with when we were presented with the President's budget.

We have heard a lot about all of the shortcomings in process tonight, but let me make clear there is one vital difference between what we are doing this year and what we did a year ago. Last year under a Republican majority, our friends on the other side of the aisle were not able to complete action on a single domestic appropriation bill, so we were left to deal with that when we took control of this institution in January. The difference is that this year we are recognizing that in an adult world, win, lose, or draw, we have an obligation to reach some final decisions. We have an obligation to compromise and move on. And that's what we are trying to do with this legislation. It is a responsible thing to do.

I want to thank every Democrat who supported it. I want to thank every Republican who will support it. And I would hope that this can finally wrap up the session, reflecting somewhat better than the President's budget has what the priority wishes are of the American people. I ask for ''aye'' votes on the two amendments.

Mr. UDALL of Colorado. Mr. Speaker, I am far from enthusiastic about voting for this bill, but I will do so despite its shortcomings.

Ironically, one of the worst shortcomings is that it is too long. It rolls into one massive measure provisions from no fewer than 11 regular appropriations bills that the House passed earlier this year, creating a ''consolidated'' omnibus that was not finished until yesterday and that very few if any Members have had a chance to completely review.

I regret that once again the apparent inability of the Senate to pass all but a few appropriations bills has led to this result. This is not the way Congress should do its work. That is

why I have joined as a cosponsor of a resolution, H. Res. 283, that would change the House's rules to generally bar consideration of a conference report including accounts within the jurisdiction of more than one appropriations subcommittee—and, while technically the measure before us is not a conference report, I think that it would be better not to proceed in the way we are doing today.

An even greater shortcoming is that this bill fails to provide the level of funding I think is needed for some important purposes. This results directly from President Bush's insistence that he will veto any bill appropriating more money than he has requested for domestic purposes and from the blind loyalty of Republican members of Congress, both here and in the Senate, who have made clear they will support any such veto.

But, despite these shortcomings, I will vote for the bill because it still is better than would have resulted if we had simply rubber-stamped the President's budget requests and because it includes provisions that will directly benefit Colorado and the Nation.

On a matter of great importance for all Coloradans, and especially residents of our Western Slope, the bill retains my amendment barring BLM from proceeding with final regulations for a commercial oil shale leasing program during fiscal year 2008, plus additional language in the explanatory statement that makes clear that the Interior Department must provide adequate time for the Governor and the public to provide input before any such final regulations are adopted.

This demonstrates that Congress has listened and will insist that the administration move carefully with regard to commercial-scale development of oil shale, even though the revisions of the oil shale provisions of the 2005 energy policy act approved by the House earlier this year are not included in the Senate version of the energy legislation that the House will consider later this week. Those revisions would have required that BLM issue proposed regulations and allow ample time for public comments on them. The language in this appropriations measure, which affects only final regulations, is consistent with that approach.

And the bill also provides funding for many things of direct immediate benefit to Colorado, including much-needed improvements to our transportation infrastructure, the continued acquisition of lands in the Beaver Brook watershed for inclusion in the Arapaho-Roosevelt National Forest, and work by the Corps of Engineers and the Bureau of Reclamation with respect to our vital water supplies.

Other examples of specific items for use in Colorado include funds for child abuse prevention and treatment programs in Golden, for career training in the health professions at Aims Community College in Greeley, for health information systems at the Avista Adventist Hospital in Louisville, for facilities and equipment to be used by Children's Hospital in Denver.

The bill's provisions for the National Park System include funds for several Colorado units, including land acquisition at Mesa Verde and for construction work at Rocky Mountain National Park. It also makes a start toward the Centennial Challenge initiative which has such promise for parks in our State and nationally.

And Colorado and the entire country will benefit because the measure includes funds for the vital work of the National Renewable Energy Laboratory, NREL, including critical funding for the Energy Systems Integration Facility, ESIF.

ESIF will be a state-of-the-art facility to accelerate research into energy systems integration and the key issues of interconnectivity and control of resources. The $55 million included in the bill for ESIF will enable NREL to begin construction on this needed facility in fiscal year 2008, and the $7 million for South-Table Mountain, STM, Infrastructure will help with initial construction on this site while the $8 million for solar equipment will allow NREL to purchase state-of-the-art solar equipment for the Solar Energy Research Facility.

There is also funding for energy-related work at the Colorado School of Mines as well as for use in connection with a biodiesel project in Costilla County and the sustainable biofuels development center.

In fact, the bill provides a full $486 million more than President Bush requested for investments in solar energy, wind energy, biofuels, and energy efficiency—something that I am very glad to support.

In addition, I am glad that there is funding within NASA's earth science account to initiate important climate research missions as well as well as an endorsement of language in the House-passed Commerce, Justice, Science appropriations report that called for continued support for climate sensors already in development. This includes the Total Solar Irradiance Sensor, TSIS, which is being built by the University of Colorado's Laboratory for Atmospheric and Space Physics.

However, as chairman of the House Space and Aeronautics Subcommittee, I am disappointed that to construct a bill the President would sign, the higher funding levels for the National Aeronautics and Space Administration, NASA, provided in both the House and Senate bills had to be sacrificed. It is clear that Congress recognizes the value of NASA's activities in science, aeronautics, and exploration, and I hope the President will send Congress a budget request next February that would give NASA the resources it needs to carry out its important missions.

As a member of the Armed Services Committee, I want to highlight some of the items in the measure that are particularly important for Colorado's servicemembers and veterans.

These include $61.3 million for the parking structure and energy plant at Fitzsimmons Veterans Hospital and $7.3 million for a new F–16 facility at Buckley Air Force Base.

In addition, the bill will provide $35.1 million for the Pueblo Chemical Depot, to be used for construction of on-site chemical destruction facilities, with the goal of completing clean-up at the facility by 2012.

And it includes nearly $170 million to support Fort Carson in the context of the stationing of two new brigades and the new headquarters of the Fourth Infantry Division. This includes $53 million for new barracks; $18 million for an addition to Evans Army Hospital and a dental clinic; $8.3 million for a Defense Access Road to allow personnel and equipment to deploy easily from Peterson Air Force Base; $4.9 million for a new indoor range; $72 million for new unit operation facilities; and $13.5 million for construction of new facility support operations for the 13th Air Support Operations Squadron.

There is also $24.5 million for an Air and Space Integration Facility at Schriever Air Force Base and $15 million to upgrade academic facilities at the Air Force Academy.

Mr. Speaker, I could continue at length but will conclude by simply noting that the bill provides much-needed funding to study diseases like Alzheimer's, cancer, Parkinson's, and diabetes; to help small rural hospitals; and to provide 280,000 more underinsured Americans with access to health care. It includes more adequate funding that the president requested for education—including special education, after-school programs and Head Start, Pell grants and other student assistance—as well as for assistance to state and local law enforcement and homeland security.

So, while as I said the bill has serious shortcomings and while I would change many parts of it if I alone were ''the decider'' about the matter, I think it deserves approval tonight and I will vote for it.

Mr. SERRANO. Mr. Speaker, I rise tonight to take a moment to highlight some of the provisions that were included in the Financial Services and General Government section of the omnibus appropriations legislation that we are considering this evening.

Despite a limited allocation, and multiple cuts subsequent to the House passed bill, the Financial Services and General Government portion reflects the commitment that I made when I became chairman to work on behalf of our consumers and to bring the priorities of the agencies that this bill funds closer to the needs of our citizens, especially the most disadvantaged.

The Consumer Product Safety Commission will receive a more than 27 percent increase over 2007 to help keep dangerous products out of the hands of our children. This is especially poignant this holiday season as we shop for safe gifts for our children. Funding for the Federal Trade Commission is increased by 15 percent over 2007 so that we can better address the problems of identity theft and deceptive lending practices, which impact more and more consumers.

We have an obligation to assist our States as they struggle to make sure that our 2008 elections are accurate and reliable. There was included $125 million for grants to help States comply with the Help America Vote Act, including upgrading voting machines and voter registration databases. All citizens want to be sure that their vote will count. This important funding moves us closer to that goal.

I am especially proud that we were able to fund the Community Development Financial Institutions Fund at $94 million, a 72-percent increase over 2007. This fund expands economic development and affordable financial services for underserved communities through housing loans, micro-business loans, and community development banks and credit unions.

It is my firm belief that the Federal Government should not dictate to the District of Columbia how it should manage its own affairs or spend its own money. In this section we took some important steps in this direction by allowing the District of Columbia to use its own local funds for needle exchange programs to help fight the spread of HIV/AIDS. This also removes longstanding restrictions on the use of local funds by District leaders in support of voting representation in the United States Congress. In addition, the District of Columbia, Puerto Rico, and the territories will, with the passage of this omnibus, have quarters with

designs they help select issued in 2009 to honor them and raise awareness of the diverse places that fly the American flag.

The consumers of today and tomorrow must have financial education programs that help them to better understand the complicated financial world in which we operate. The current subprime lending crisis is just one example of how important this funding is in our society today. The Office of Financial Education at the Department of the Treasury will receive $1.1 million, with $200,000 targeted at our future consumers currently in our elementary and high schools, and $200,000 aimed at efforts to protect all consumers against predatory lending. There is also an increase in the Securities and Exchange Commission's budget specifically for investor education and protection.

As our tax forms and obligations become more complicated, we as a government should provide additional taxpayer assistance. In order to address this need, $31.2 million is included above the President's request to increase IRS outreach and education services for taxpayers and small businesses, and tax return preparation services at Taxpayer Assistance Centers. There is an additional $6.7 million above the President's request to improve the services of the Taxpayer Advocate Service and its oversight of the IRS. Eight million is included for a new pilot grant program for Community Volunteer Income Assistance sites and $1 million over the President's request for Low-Income Taxpayer Clinics.

Recognizing the importance of our small businesses, there is an 11 percent increase over 2007 for Small Business Development Centers. The Microloan program is funded at $17 million, which includes the $15 million for technical assistance that had been eliminated in the President's request.

Our Federal workforce will be receiving a 3.5 percent cost-of-living adjustment. In addition, there are provisions to make sure that Federal workers whose jobs are threatened by privatization will have protections to ensure that the competitions against contractors are fair and unbiased. This bill also includes an important provision to improve congressional oversight of the practice of service contracting in Federal agencies. With contracting government-wide having grown to over $400 billion, Congress needs to ensure that it has necessary information on the size and scope of contracting in each agency. The bill will establish a pilot program that will require the Office of Management and Budget, OMB to track the cost and size of service contracts in three Cabinet-level departments. The program will give particular attention to contracts that have been performed poorly by a contractor because of excessive costs or inferior quality. It is also our intent that agencies other than the Department of Defense participate in this program, since the Department of Defense will already be subject to contract inventory requirements included in section 807 of the National Defense Authorization Act, NDAA, for fiscal year 2008.

I also want to clarify our intent with respect to section 739(b) of the Financial Services bill, regarding the use of public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees. The NDAA includes section 324 relating to insourcing new and contracted out functions, and the Department of Defense should follow the provisions included in section 324 of its authorization.

There are also important provisions to address real national security needs. Treasury's Office of Terrorism and Financial Intelligence receives $56.8 million to help coordinate with the rest of the U.S. intelligence community and with other countries to combat terrorist financing. The Financial Crimes Enforcement Network receives $85.8 million to increase the number of financial transaction analysts coordinating with intelligence agencies and law enforcement, and the number of staff working to ensure Bank Secrecy Act compliance by financial institutions. Funding is included for additional Treasury staff to improve the review process of the Committee on Foreign Investment in the United States.

I am also proud that this section of the bill recognizes, through real dollars, how we value and want to protect our national heritage. Operating expenses for the National Archives are funded at $315 million in order to restore the research hours that had been reduced and to expand the workforce of professional archivists. The Archives' grant program will receive $9.5 million to assist in the preservation of the historic documents of States, local governments, universities, local historical societies, and others.

Our Financial Services portion will benefit Americans by bringing Government in the agencies funded in this section closer to the people and make it better able to fit its services to their needs. The American people expect and deserve the best services their Government can offer and this is reflected in this pro-consumer section.

Let me conclude by thanking my friend, ranking member, and partner, Congressman REGULA, for his hard work and collaboration throughout this process. We might not agree on everything, but we worked together to try and fashion the best possible financial services section. I also want to express my appreciation and thanks for the hard work of our staff, both the majority and the minority. They are dedicated and devoted countless hours to the final product that we are considering today.

I will vote in favor of this omnibus legislation tonight as we move this process forward.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS, 2008

SUPPORTING CONSUMERS, VOTERS, TAXPAYERS, SMALL BUSINESSES, AND ALL AMERICANS

Consumer Issues:

The Consumer Product Safety Commission receives over a 27 percent increase over 2007 to help keep dangerous products out of children's hands.

The Federal Trade Commission receives a 15 percent increase over 2007 to help fight identity theft and fraudulent or deceptive lending practices.

Election integrity:

$125 million is included to assist States in ensuring accurate and reliable elections as we approach the 2008 presidential election. Within this amount, $10 million is included for a new program to help states improve the collection of information relating to the administration of elections.

$200 thousand is included to help students learn about elections through a mock election program.

Community economic development:

The Community Development Financial Institutions Fund receives $94 million, a 72 percent increase over 2007, to expand economic development and affordable financial services for distressed communities.

Respect for the District of Columbia and for U.S. territories:

For the first time in many years, the District of Columbia may use its local funds to support needle exchange programs that help fight the spread of HIV/AIDS.

The bill removes longstanding restrictions on the use of local funds by District leaders in support of voting representation in the U. S. Congress.

Quarters with designs from Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and the District of Columbia will be issued in 2009 to honor and raise awareness of the diverse places that fly the American flag.

Puerto Rico, for the first time, is eligible to receive the same proportionate share of election assistance grants that states receive.

Financial education:

Treasury's Office of Financial Education receives $1.1 million, including $200,000 for efforts aimed at elementary and high schools, and $200,000 aimed at efforts to protect consumers against predatory lending.

The Securities and Exchange Commission's budget is increased to support investor education and protection.

Taxpayer assistance:

$31.2 million above the President's request is to increase IRS outreach and education services for taxpayers and small businesses, and tax return preparation services at Taxpayer Assistance Centers.

$6.7 million above the President's request is to improve the services of the National Taxpayer Advocate and its oversight of the IRS.

$8 million is for a new pilot grant program for Community Volunteer Income Tax Assistance sites.

$1 million above the President's request is provided for Low-Income Taxpayer Clinics.

Small business assistance:

Small Business Development Centers receive an 11 percent increase over 2007.

The Microloan program is funded at $17 million. This includes $15 million for technical assistance, which was eliminated in the President's request.

Federal workforce:

A 3.5 percent Federal employee pay raise is included.

Federal workers whose jobs are threatened by privatization will have protections to ensure that competitions against contractors are fair and unbiased.

Concerns over costly or poorly performed government contracts are addressed through report requirements that will enable Congress to exercise greater oversight.

National security:

Treasury's Office of Terrorism and Financial Intelligence receives $56.8 million to help coordinate with the rest of the U.S. intelligence community and with other countries to combat terrorist financing.

The Financial Crimes Enforcement Network receives $85.8 million to increase the number of financial transaction analysts coordinating with intelligence agencies and law enforcement, and the number of staff working to ensure Bank Secrecy Act compliance by financial institutions.

Funding is included for additional Treasury staff to improve the review process of the Committee on Foreign Investment in the United States.

$250 million is included as part of a homeland security border initiative to accelerate Land Port of Entry design and construction and to assist the Federal Judiciary's immigration casework.

Caring for our National heritage:

$315 million is included for National Archives operating expenses to restore research hours and to expand the workforce of professional archivists.

$9.5 million is included for the Archives' grant program to help preserve the historic

documents of states, local governments, universities, local historical societies, and others. The Administration proposed to eliminate this program.

Mr. HALL of New York. Mr. Speaker, tonight this body did something that it failed to do last year under the previous majority by passing legislation to direct the spending of our Federal Government.

I am disappointed that the choice of the President and the minority to engage in confrontation and obstruction instead of cooperation and progress prevented us from more fully meeting America's needs in this bill. Despite their intransigence, we were able to pass a bill that began to reinvest in critical national priorities that had been neglected for too long. Priorities like life saving medical research, law enforcement, border and homeland security, K–12 education, college aid, needed infrastructure improvements, renewable energy, and energy efficiency. In addition to those steps, this bill lived up to the commitment of this Congress to keep our promises to America's veterans by providing $3.7 billion over the President's request for veterans' medical care, claims processing, and facility improvements.

As I indicated this is not a perfect bill. I am deeply troubled by the decision to include language that provides authority for the Department of Energy to issue over $8 billion in loan guarantees to coal-based energy projects, and over $20 billion for nuclear energy projects, while authorizing only $10 billion for renewables and energy efficiency. Nuclear power has shown itself to be an environmentally and economically unsustainable form of energy, and has repeatedly failed the test of whether it can survive without taxpayer support. Given the nuclear industry's record of risk and nonperformance, expanding taxpayer support for nuclear power would be throwing good money after bad. In order to truly make the most progress possible toward a clean, profitable, independent energy future for our Nation, it will be more effective to devote maximum federal support to renewable energy technologies like wind, solar, geothermal as well as new technologies and improvements in efficiency.

While I remain concerned about the loan guarantee language, I believe that in its totality the spending bill we approved tonight does a tremendous amount of good by funding key programs that will make America more secure and more prosperous. It makes necessary investments in America's future, and that is why I voted for it.

Mr. MCNERNEY. Mr. Speaker, in the next few days the House and Senate are expected to pass H.R. 6, a comprehensive energy bill to chart a new course for our Nation's energy policy. This legislation is a major step towards a sustainable energy future, and I am proud that language was included in the bill to advance geothermal research. Specifically, a subtitle of H.R. 6 authorizes investments in new methods of extracting geothermal energy from the earth. These technologies have the potential to generate tremendous amounts of environmentally friendly, domestically produced electricity.

Today we are considering the Fiscal Year 2008 omnibus appropriations bill to fund most of our Federal Government for the coming year. It is my hope that to the extent that funds are available beyond purposes specifically directed by this appropriations measure, the appropriation for the Department of Energy's geothermal research program should be used to begin implementation of provisions in Subtitle B of Section VI of HR 6, also known as the Advanced Geothermal Energy Research and Development Act of 2007. Geothermal energy has the potential to contribute significantly towards energy independence and efforts to address climate change, and we should pursue this research without delay.

Mr. OBERSTAR. Mr. Speaker, I am very concerned about the myriad legislative provisions in this bill that modify projects and studies of the U.S. Army Corps of Engineers, ''Corps''. These provisions, contained in the Energy and Water Development and Related Agencies Appropriations Act, 2008 division of H.R. 2764, affect authorizations and policy issues that are solely within the jurisdiction of the Committee on Transportation and Infrastructure.

Mr. Speaker, after 7 long years, the Committee on Transportation and Infrastructure successfully enacted P.L. 110–114, the ''Water Resources Development Act of 2007,'' ''WRDA 2007'', last month. This landmark legislation authorizes roughly $23 billion in project studies, authorizations, and modifications across the spectrum of Corps missions.

Unfortunately, however, several of the provisions contained in the Energy and Water Development Appropriations Act undermine agreements reached in the House and Senate conference negotiations on the water resources act. In addition, these provisions undermine existing statutory obligations and Committee on Transportation and Infrastructure policy with respect to Corps project authorizations.

Mr. Speaker, one of the most egregious examples of legislative language contained in this bill is section 117, related to the project at Johnson Creek, Arlington, TX. This provision expands the flood damage reduction measures currently underway in Arlington, TX, to provide additional flood protection to new developments currently being constructed along Johnson Creek, including a major league baseball stadium, a new national football league stadium, and a 5-million-square-foot development plan for Glorypark that will be comprised of multiple hotels, residential units, and commercial space nestled between the creek and the two stadiums.

The original plan for Johnson Creek, authorized in the Water Resources Development Act of 1999, called for the restoration of approximately 155 acres of bottomland hardwoods, and recreation features, e.g., walking trails, along Johnson Creek, at an estimated total cost of $30,000,000. Construction on the authorized project is approximately 50 percent complete.

During consideration of WRDA 2007, the Committee received a request to modify the ongoing project for Johnson Creek—the very same provision that is contained in section 117 of the Energy and Water appropriations bill. Section 117 modifies the existing project to convert approximately 90 acres of the 155 acres designated as mitigation lands—and proposed for restoration in the original plan—into a parking lot and other improvements related to the proposed stadium construction. Section 117 provides for the construction of additional flood control structures and the acquisition of an additional 90 acres of new environmental restoration/preservation lands to offset those lands constructed under the original authorization. The estimated cost of the revised proposal is $80,000,000.

I opposed the proposed modification for Johnson Creek when it was offered before the House Committee on Transportation and Infrastructure, and continue to oppose the very same language that now appears in section 117 of the Energy and Water Appropriations bill.

First, section 117 authorizes the Johnson Creek project without requiring that the project meet a traditional cost-benefit test.

Section 1 of the Flood Control Act of 1936 requires that, for flood control projects, the benefits of the project are in excess of the costs. Over many decades, this statutory requirement has been carried out through the calculation of a cost-benefit test for Corps projects. Typically, when Congress authorizes a project, it must be ''feasible''—meaning that the Corps determines that the project is technically sound, environmentally acceptable, and economically justified.

Section 117 waives the traditional cost-benefit test, and only requires that the project be technically sound and environmentally acceptable.

During the formulation of the Water Resources Development Act in the House, the Corps provided the Committee on Transportation and Infrastructure with information on the estimated cost-benefit ratio for the Johnson Creek plan, ''A Vision of Conservation,'' dated March 2006. According to the Corps, the total anticipated cost for the flood damage reduction element of the project is $27.9 million. The average annual costs are estimated to be $2.84 million. The total potential average annual benefits are $1.28 million. The estimated benefit to cost ratio is 0.45 to 1. In essence, the reason that the benefits for this project are very low is because the project does not protect traditional structures, e.g., housing, commercial properties, but mainly serves to minimize potential flooding of the parking lot for the sports stadium complex, built on the former ecosystem restoration lands of the prior project, and protect an amusement park further downstream.

The Corps estimated that the total anticipated costs for the recreation component of the plan are $10.6 million, estimated to be $1.14 million annually, and include the construction of trails and associated facilities within the project area. The total potential average annual benefits from the recreational element were estimated to be $1.6 million. The estimated benefit-to-cost ratio for the recreational element is estimated to be 1.44 to 1. The Corps also estimated that the ''Vision of Conservation'' plan would include an additional $21.5 million for bank stabilization, sedimentation basins, and the planting of trees, shrubs, and grasses. The Corps did not provide a detailed assessment of the benefits of these additional elements.

As Chairman of the Committee on Transportation and Infrastructure, I opposed the proposal to waive existing statutory and policy requirements that the project undergo a proper cost-benefit test. In a carefully and extensively negotiated bipartisan agreement, the Committee modified the project to allow the ''Vision of Conservation'' to proceed, but to retain the traditional benefit-cost analysis for the project. In addition, the Committee included statutory language to allow the non-Federal sponsor to

contribute additional local funds to ensure that the Federal and non-Federal shares of the cost of the project would reflect the estimated cost-benefit ratio. The Committee believed that this was a fair way to allow non-Federal sponsors, such as the City of Arlington, TX, to contribute more funding toward desired Corps projects, but not violate the requirement that the costs of a project at least equal the benefits.

This bipartisan agreement was included as section 5123 of the House-passed Water Resources Development Act of 2007:

"SEC. 5123. JOHNSON CREEK, ARLINGTON, TEXAS.

''(a) IN GENERAL.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat 280), is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled 'Johnson Creek: A Vision of Conservation', dated March 30, 2006, at a total cost of $80,000,000, with an estimated Federal cost of $52,000,000 and an estimated non-Federal cost of $28,000,000, if the Secretary determines that the project is feasible.

''(b) NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials.

''(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for implementation of the project, if the Secretary determines that the work is integral to the project.

''(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184).

''(d) CONFORMING AMENDMENT.—Section 134 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2263) is repealed.''

During conference negotiations on H.R. 1495, the Conference Committee reached agreement on language related to the Johnson Creek project, which was modeled after the House-passed provision. Congress included its modifications to the Johnson Creek project in section 5143 of the Conference Report on H.R. 1495, the Water Resources Development Act of 2007.

Now, just over one month after Congress enacted the Water Resources Development Act, section 117 of the Energy and Water bill seeks to undo our bipartisan, bicameral agreement before this language has even had the opportunity to work. The principal difference between the language contained in the Water Resources Development Act of 2007 and the language contained in section 117 of this Act is the waiver of the benefit-cost test for the project.

I oppose the waiver of the benefit-cost test, and was able to work with my colleagues in the House and Senate to retain this important protection in WRDA 2007. Section 117 of this Act arbitrarily waives the benefit-cost test—a position that was uniformly rejected by both the House and Senate during consideration of the water resources development legislation.

I continue to oppose this proposal, and will revisit the changes made by section 117 during the development of our next Water Resources Development Act in 2008.

I also strongly oppose section 123, related to the project for St. John's Bayou and New Madrid Floodway, of the bill.

Again, this language fundamentally undermines normal Corps planning and design methodologies related to the development of sound Corps projects. With regard to the defined project, this provision represents a complete reversal of well considered and appropriate law and policy, by waiving cost-benefit analysis and justification, as well as the environmental review required by National Environmental Policy Act (''NEPA''). Section 123 carefully defines the project and states ''. . . the project is economically justified.'' This precludes appropriate and required economic analysis of the defined project.

The St. John's Bayou/New Madrid Floodway project was recently adjudicated with the judge issuing a summary judgment, in September 2007, in favor of the plaintiffs, enjoining the Corps from work on the project, and ordering the Corps to deconstruct the elements it had already built.

The judge's ruling stated: ''The Corps' manipulation of its habitat model in analyzing fish mitigation *gives new meaning to the phrase 'result-oriented decision-making.'* (Emphasis added.) The Corps has obviously worked backwards from the mitigation dollars it could afford, tweaking several of its original, fundamental understandings of its mitigation obligations so as to make the project appear to return a positive benefit-cost ratio. Many mitigation decisions seem to have been based on cost alone, with a troubling disregard for the fundamental assumptions of the HEP [Habitat Evaluation Procedures] team model and HEP team member judgment. Several elements discussed above lack factual support or substantial evidence, but, more disturbingly, the Corps has demonstrated its willingness to do whatever it takes to proceed with this project—change definitions, abandon core assumptions—even if it means ignoring serious environmental impacts.''

Like Johnson Creek, the Committee on Transportation and Infrastructure considered and rejected a legislative proposal to waive the beneft-cost test and environmental reviews for this project during negotiations on the Water Resources Development Act. However, the Committee did approve language directing the Corps to utilize existing statutory authority to consider the non-Federal sponsor's ''ability to pay'' when determining an appropriate cost-share for the project. This language was included as part of section 2019 of the Water Resources Development Act of 2007.

Mr. Speaker, these are just two of the many concerns I have with the number of legislative provisions contained in the Energy and Water Appropriations Act.

I will continue to review the legislative proposals contained in this bill, and should changes be warranted to conform the projects to existing statutory authorities or Committee policy, I will revisit these projects during the development of a Water Resources Development Act in 2008.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to express my support for the House Amendments to Senate Amendment to H.R. 2764—State, Foreign Operations, and Related Programs Appropriations Act, 2008, Consolidated Appropriations Act, 2008. Specifically, I would like to take this opportunity to highlight and clarify language included in Division E, the Department of Homeland Security Appropriations Act of 2008 regarding the Secure Handling of Ammonium Nitrate.

Farmers who use ammonium nitrate in agriculture production normally obtain their ammonium nitrate from a retail fertilizer dealership. Any retail fertilizer dealership that stores and sells ammonium nitrate would have to register under this legislation. The intent of this legislation is ''track and trace''—to provide law enforcement officials with the ability to know where ammonium nitrate is being stored and the establishment of a pre-screening process before a person can take possession of ammonium nitrate.

Retail fertilizer dealerships provide many services for farmers and one of those services is custom application. Many farmers that buy fertilizer never physically take possession of ammonium nitrate. The farmer purchases the services of the dealer who spreads the ammonium nitrate on the farmer's field. These custom application services can be provided by other businesses that would be subject to the registration requirements of the legislation.

In Mississippi and southeastern United States, nearly 90 percent of the 41,800 tons of ammonium nitrate purchased is applied by a fertilizer dealer or applicator company to the field. Only 10 percent of the ammonium nitrate fertilizer purchased in the southeastern United States is ever under the direct control and possession of the farm customer.

It is not the intent of this legislation to require individuals that use custom application services and do not take possession of ammonium nitrate to be subject to be registered. I believe this bill will enhance the security surrounding ammonium nitrate in agriculture and ammonium nitrate will be kept out of the hands of would-be terrorists.

I also ask that a letter submitted by The Fertilizer Institute (TFI), in support of the Consolidated Appropriations Act, 2008, be inserted in the CONGRESSIONAL RECORD.

Again, I support this legislation that reduces the risk that large quantities of ammonium nitrate could fall into the wrong hands while ensuring access for agriculture professionals and farmers who use this fertilizer for legitimate purposes.

THE FERTILIZER INSTITUTE,
Washington, DC, December 17, 2007.

Hon. BENNIE THOMPSON,
Chairman, House Homeland Security Committee, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of The Fertilizer Institute (TFI) and our ammonium nitrate producers and retailers, I am writing to thank you for your tireless efforts to help secure passage of the ''Secure Handling of Ammonium Nitrate Act of 2007.''

The goal of TFI and our affected membership has been to pass legislation that would require traceability of ammonium nitrate being sold in the United States. By requiring facilities and individuals who possess ammonium nitrate to register with the Department of Homeland Security (DHS) and keep records of all sales, we believe the security surrounding ammonium nitrate use in agriculture will be greatly enhanced and our beneficial product will be kept out of the hands of those with criminal intent.

Ammonium nitrate in many areas of the country is directly applied by retail fertilizer dealers or other custom application businesses. For instance, in many cases, farmers do not physically possess or control the application of ammonium nitrate; the dealer maintains custody and applies the

purchased product directly to the field. TFI believes that anyone not taking physical possession of ammonium nitrate should not have to register with DHS as this would be unnecessary and of no added security benefit when the facility having possession of ammonium nitrate is required to register and keep records.

Again, thank you, Mr. Chairman.

Sincerely yours,

FORD B. WEST,
President.

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

The SPEAKER pro tempore (Mr. BECERRA). All time for debate has expired.

Pursuant to House Resolution 878, the previous question is ordered.

The question of adoption of the motion is divided between the two House amendments.

The first portion of the divided question is: Will the House concur in the amendment of the Senate with the first amendment printed in House Report 110–497?

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

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on agreeing to the first amendment will be followed by 5-minute votes on agreeing to the second amendment, if ordered, and suspending the rules on House Concurrent Resolution 254.

Remaining postponed votes on motions to suspend the rules will be taken later in the week.

The vote was taken by electronic device, and there were—yeas 253, nays 154, answered ''present'' 1, not voting 24, as follows:

[Roll No. 1171]

YEAS—253

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—154

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Inslee
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)

ANSWERED ''PRESENT''—1

Baird

NOT VOTING—24

Blumenauer
Cubin
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
McHenry
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Rohrabacher
Thompson (CA)
Weller
Wexler
Wittman (VA)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2221

Messrs. NEUGEBAUER, SULLIVAN, MARKEY and BOOZMAN changed their vote from ''yea'' to ''nay.''

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

So the first portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. WITTMAN of Virginia. Mr. Speaker, on rollcall No. 1171, I was unavoidably detained. Had I been present, I would have voted ''nay.''

The SPEAKER pro tempore (Mr. LYNCH). The Chair will now put the question on the second portion of the divided question.

The question is: Will the House concur in the amendment of the Senate with the second amendment printed in House Report 110–497?

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

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 206, noes 201, not voting 25, as follows:

[Roll No. 1172]

AYES—206

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette

Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wilson (OH)
Wu
Wynn
Yarmuth

NOES—201

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

NOT VOTING—25

Blumenauer
Cubin
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
McHenry
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Rohrabacher
Serrano
Thompson (CA)
Velázquez
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2228

Ms. WATERS and Mr. WELCH of Vermont changed their vote from ''aye'' to ''no.''

So the second portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING AND CELEBRATING THE CENTENNIAL OF OKLAHOMA STATEHOOD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 254, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 1, answered ''present'' 1, not voting 27, as follows:

[Roll No. 1173]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
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Berkley
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Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
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Carnahan
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Cole (OK)
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Conyers
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Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
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English (PA)
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Etheridge
Everett
Fallin
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Ferguson
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Flake
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Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
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Kennedy
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Kilpatrick
Kind
King (IA)
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Kucinich
Kuhl (NY)
LaHood
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Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
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Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
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Shays
Shea-Porter
Sherman
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Simpson
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Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
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Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
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Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Castor

ANSWERED ''PRESENT''—1

Sensenbrenner

NOT VOTING—27

Blumenauer
Boehner
Cubin
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
McHenry
Miller, Gary
Murtha
Ortiz
Pastor
Paul
Pryce (OH)
Rohrabacher
Stark
Sutton
Thompson (CA)
Weller
Wexler
Woolsey

□ 2235

Mr. POE changed his vote from ''present'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, tomorrow, I have an appointment for eye surgery, which cannot be rescheduled.

Were I able to attend today's session in the House of Representatives, I would have voted "yea" on rollcall votes Nos. 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172 and 1173.

ORPHANS IN IRAQ AND AFGHANISTAN

(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, over the weekend I saw a couple of movies that everybody in this House ought to see: One is ''Charlie Wilson's War,'' which is about the Afghan war and driving the Russians out; and the second is ''Kite Runner,'' which is a movie about trying to rescue one orphan in the Afghan situation.

On the 15th of December, on Saturday, in a conference in Baghdad, it was announced that there are 5 million orphans created by the United States of America's war on Iraq. Maybe they are off by a million; maybe it's only 4 million. But when you see that movie ''Kite Runner,'' just imagine that being 4 million kids that are our responsibility because we invaded a country under false pretenses and we are continuing to leave a mess. Five million orphans at Christmastime.

Merry Christmas, everyone.

TOYS FOR KIDS ANNUAL HOLIDAY PROGRAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. This is a season for joy and for giving, and it is a season where children's eyes particularly sparkle. I rise today, Mr. Speaker, to pay tribute and thank the many, many volunteers that joined me on this past Saturday to provide, again, for the 13th Annual Toys for Kids Annual Holiday Program and Christmas Giveaway in the 18th Congressional District.

So many volunteers came from so many parts of our community. The faith community; fraternity and sorority community; the women's organizations; and schools came out to celebrate with our kids. NASA participated. Four astronauts came to celebrate and to compete, if you will, with Santa Claus.

Over 3,000 children came to receive gifts, fellowship, to eat. But this could not have been done without all of the supporters and certainly all of the volunteers. I tip my hat to all of you for bringing joy to the children's hearts and minds this past Saturday, December 15, 2007. Again, a great success for the Kids Annual Holiday Program in Houston, Texas.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. 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.)

CONGRATULATING APPALACHIAN STATE UNIVERSITY ON THEIR THIRD CONSECUTIVE NATIONAL CHAMPIONSHIP

The SPEAKER pro tempore. 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 to celebrate the third consecutive national football championship won by Appalachian State University this weekend in Chattanooga, Tennessee. The ASU Mountaineers soundly defeated the University of Delaware 49–21 in the football championship subdivision's championship game on Friday before a record-breaking crowd at Finley Stadium in Chattanooga.

In taking the 2007 FCS championship crown, ASU becomes the first football team in history to win three consecutive national championships. Friday's win was the crown jewel of an eight-game winning streak that propelled the Mountaineers to their historic ''three-peat.''

2007 was a historic year for football at Appalachian State. The Mountaineers began the year by defeating Michigan in an epic battle that proved to football fans around the country that this team is for real. So it is fitting that a season that began on such a historic note should end with an even greater achievement and place Appalachian State squarely in the record books.

This year, ASU went 13–2, defeated one of the most highly ranked teams in football and secured a record three straight national championships. ASU has proven that this is a team not only of skilled athletes led by a dedicated coaching staff, but that this is a team with heart and incredible drive. Friday's game showed how much the Mountaineers are committed to playing the game with excellence every time they take the field.

The Mountaineers, led by Coach Jerry Moore, notched their third consecutive championship with stellar play on both the offensive and defensive sides of the ball. They started the game by scoring on three possessions in a row. This put them out to an early 21–0 lead that set the tone for the rest of the game.

Quarterback Armanti Edwards, who suffered shoulder injuries earlier in the season, led the team by throwing three touchdowns, running for 89 yards on 18 carries and completing 9 of 15 passes for 198 yards.

Running the ball was Kevin Richardson, the Mountaineer running back, who rushed for 118 yards against Delaware in the championship game and padded the Appalachian State lead with two touchdowns. All told, the Mountaineers racked up 358 rushing yards in their 28-point margin of victory.

On the defensive side, senior defensive back Corey Lynch wrapped up an illustrious tenure at Appalachian by finishing the game with four pass breakups, making his college career total 52. This gives Lynch the NCAA Division I record for pass defense.

What makes this team all the more remarkable for their three straight national championships is how they coalesced around a combination of talent and grit that the sports establishment either ignored or overlooked while the football program at Appalachian just continued to get better and better.

There is a taste of America in the Mountaineers' football triumphs. They are a team of hardworking players who know what it means to walk the walk, but who know best what it means to earn the title of champion. This team of scholar-athletes, under the leadership of Coach Moore, has shown America that we don't need famous names or star power to win championships. What counts most are hard work and perseverance.

I salute all the players, coaching staff, and the extended ASU family for a third straight national championship. This has been a great year for Mountaineer football, and I expect that next year we will see more of the same.

□ 2245

REGARDING THE PASSING OF CHARLES G. TILDON, JR.

The SPEAKER pro tempore (Mr. BRALEY). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, tonight I rise to pay tribute to a great American who fought tirelessly against injustice and inequality, using education as both his sword and his shield.

Charles D. Tildon, Jr., left this Earth on December 15, 2007, at the age of 81. Affectionately known as Charlie, he was born in my hometown of Baltimore, Maryland, to Charles G. Tildon, Sr., a preacher, and Estrom Elizabeth Tildon, a teacher.

His belief in the power of education was formed at a very young age. He and his brother, Dr. Tyson Tildon, were raised to pursue excellence, despite living in an era of overt and permeating racism. Not only did they pursue excellence, but they achieved it in every task they took on.

Both brothers, now reunited in heaven, embodied the virtues of dignity, integrity, and brilliance. Charlie received a degree in biology from the then Morgan State College and graduated from Frederick Douglass High School. He had a long and successful career that culminated with the post of the president of Baltimore City College, from which he retired in 1985. Along the way, he held positions as a middle school science teacher, associate director of Provident Hospital, executive director of the Maryland Service Corps, and assistant secretary of the Maryland Department of Human Resources.

His career trajectory as well as his community engagement were fueled by his desire to help others reach their fullest potential. Charles Tildon was indeed a trailblazer. In 1969, he became one of the first African American trustees for the Maryland Institute College of Arts. He also contributed his talents and his time to several community organizations, including Associated Black Charities and Open Society Institute. He combined his leadership capabilities with a passion for justice to help organize movements for social change. He was a founding member of the organization BLEWS, the Black/Jewish Forum of Baltimore, which was created in 1978 as an effort to overcome estrangement between African Americans and Jews. Charlie Tildon understood the importance of having these two communities come together in order to build mutual trust and understanding. He recognized that we are all more alike than we are different, and that by working together we bring out the very best in ourselves and in others.

I was blessed to call Charlie my mentor and my friend. He was a role model to me and so many others. He taught us that our intellect is our greatest strength and, with it, we have a voice that we cannot be silenced. He also taught us that there are trying moments in our lives when we simply cannot remain silent.

He co-edited a collection of essays called Clairvoyance: Reweaving the Fabric of the Community for Black Folk. This visionary blueprint included discussions by some of Baltimore's most gifted thinkers about the relationship between our schools and the community in which we live. It concluded that we must become a community of learning if we are to become a society in which all people have the opportunity to succeed. Clairvoyance is just one example of how Charlie put education at the forefront of a march for human rights which everyone can join.

I fervently believe in our responsibility to create communities of learning to provide all children with equal educational opportunity and to teach them how to use their minds to overcome bigotry and hatred. Charlie helped to shape that belief.

Not only did he selflessly serve his community, but he cherished his role as a husband and as a father. I know I speak for all of those who had the privilege of knowing Charlie when I say his presence in our lives was present enough. He saw his life as a vessel to help others to succeed. I can think of no greater legacy. My prayers are with his wife of 49 years, Louise Tildon, his son Charles Tildon III, and his two grandchildren and his entire family. I thank them for sharing him with us, and I thank God for Charles Tildon's life of extraordinary service and unbounded grace.

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.)

S. 2484

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY. Mr. Speaker, tonight I am proud to stand here to speak on behalf of S. 2484, a bill to rename the National Institute of Child Health and Human Development, NICHD, after my aunt, Eunice Kennedy Shriver.

In 1962, Mrs. Shriver persuaded her brother, my uncle, President Kennedy, to establish the NICHD to ensure that all children are born healthy, and that they have an equal chance to achieve their full potential.

Since that time, NICHD has been a global leader in producing developments that improve the lives of this world's children. Specifically, research through the NICHD has helped produce results in reducing the rates of sudden infant death syndrome, reducing infant mortality and maternal HIV transmissions.

My aunt Eunice Shriver has spent her life fighting to deliver the promise of the American dream to each and every child, not only in this country, but around the world. She has never backed down from a challenge. In fact, when she heard from a mother who could not find a camp that would accept their disabled child, Eunice started a camp of her own in her own backyard, a camp for other parents who, like her, were trying to deal with a family member who was mentally retarded. My Aunt Rosemary had mental retardation, and my Aunt Eunice was inspired because of her experience with my Aunt Rosemary to start the Special Olympics. And I don't think there is anything that has probably had a more profound effect on millions of people's lives in this world than the impact that Special Olympics has had, not only on the millions of families whose lives that it has touched with those with intellectual disabilities, but also for the millions and millions of volunteers who have come in contact with Special Olympics and who found their lives moved and transformed because of their experience with Special Olympics.

The Special Olympics organization has given athletes and their families the courage to participate in competition while always remembering that success is not measured by how often you win but by how brave you are in the attempt.

Beyond providing athletes and their families with new and unique opportunities in competitive sports, the Special Olympics also established the Healthy Athletes Initiative, which increases health care to athletes at events all around the world. During 2006, 600 screening events took place, and 135,000 athletes received a screening. These screenings provided not only critical care to athletes; they also provided appropriate treatment, and also an opportunity for those athletes to get the rewards of getting the best in treatment that are too often taken for granted by the rest of us.

In addition to that, the data from these screenings are collected and used

to promote health policies that inform those of us here in Congress on how we can better develop programs here in Congress for those individuals with intellectual disabilities.

The incalculable benefits resulting from this program are just a small example of how my Aunt Eunice has altered the future of millions of children in our own country and around the world.

I just want to say once more, in a personal sense, that she has done so much to destigmatize the stigma of those with mental retardation. And, as someone who is fighting for parity for mental health coverage, she has also worked so hard to destigmatize mental illness, something that often accompanies those families who are depressed when they find that one of their family members has been struck with mental retardation. She has been someone who has fought for the human spirit and the dignity of the human person in every sense of the word. And, due to her tireless advocacy, our country has been better off for all of her devotion and work.

So, it is with my great honor and pleasure that today I was able to join my colleagues in seeing that the National Institutes of Health saw the naming of the National Institutes for Childhood and Development named after Eunice Kennedy Shriver for all of the great work that she has done on behalf of every child born in this country and around the world. Congratulations, Aunt Eunice. It is so well deserved.

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.)

HONORING THE LIFE OF FORMER CONGRESSMAN HENRY HYDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to honor the life and memory of Congressman Henry J. Hyde, the Representative of the Sixth District of Illinois from 1975 to 2007. Congressman Hyde was a distinguished and well-respected member of this body, serving for 32 years in the House of Representatives.

During his tenure, Congressman Hyde served honorably as the Chairman of the Judiciary and International Relations Committees and contributed much to this Nation. My thoughts and prayers go out to Congressman Hyde's family and friends during this difficult time.

While Congressman Hyde's accomplishments are many, I want to take a moment to share one that is both emblematic of the mark he left and of which I am particularly grateful. During the 109th Congress, I had the pleasure of working with Congressman Hyde to help spur the creation of the first Jewish American Heritage Month.

As the lead Republican cosponsor of the House Resolution, Congressman Hyde was instrumental in garnering the support of the President of the United Sates and Republican leadership in the House, especially that of Speaker Hastert.

With support from around the country, the House and Senate passed resolutions in early 2006 urging the President to establish American Jewish History Month. President Bush then proclaimed the first Jewish American Heritage Month in May 2006 so that Americans could come together to celebrate the many contributions that Jews have made to the fabric of our society.

Thanks to Congressman Hyde's commitment and dedication, American Jewish culture and heritage is now celebrated each May by our Nation. In appreciation of this leadership, and in honor of Congressman Hyde's lifetime commitment to serving his country, I have requested that a tree be planted in Israel dedicated to his memory.

I again express my deepest sympathy to Congressman Hyde's family, friends, and the people of Illinois.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

(Mr. BUTTERFIELD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FISCAL IRRESPONSIBILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the recognition, and I appreciate the opportunity to be here this evening to speak with our colleagues and certainly to have a conversation with the American people about what has transpired on the floor of this House today.

I know most families are beginning to look toward the Christmas season, and they are looking toward a winter holiday and spending time with family and with friends. And many of them have worked diligently to meet their deadlines to be certain that they have time set aside for such an observance.

Mr. Speaker, I wish I could say that the leadership of the House has worked that diligently and is focused on meeting those deadlines so that we would all be spending that time with our families. But indeed, we have found that is not the case. In unusual moves and through an unusual process, we are still at work, because we find that a budget has not been passed that should have been done before the 1st of September but didn't.

So, what happens with this the process when you don't get your work done, when you don't meet your deadlines, when you disregard what you are charged to do and the duty that you are to fulfill? You find that you get backed into a corner. And, Mr. Speaker, when that happens, then you have to start working your way out of it.

Well, in the House of Representatives, when we are backed in that corner and we are unable to fulfill our work in a timely manner, instead of passing our appropriations bills and funding our government one bill at a time, we decide we are going to roll it all together, and then we have what is called the omnibus. And it is a great big spending bill, a great big spending bill, Mr. Speaker, where you throw everything into this that your heart could possibly desire. It is better than any Santa sack in town.

Now, Mr. Speaker, I would like to be certain that everyone realizes this big bill, this 3,565 pages of bill that weighs 34.4 pounds is indeed a Santa's sack loaded with pork and with earmarks, over 9,200 earmarks.

In addition to that, Mr. Speaker, I think that it is fair to say that this also is a symbol. It is a symbol of the broken process that this House has gone through in arriving at a budget. It is a symbol of the broken priorities that exist. And, indeed, it is a symbol of the broken promises of the leadership of this House to not only the body of the House but the American people.

I have some colleagues joining me tonight to talk a little bit about what we find in this 34.4 pounds, 3,565 pages. And, Mr. Speaker, I know we are going to talk about energy and the environment. I am saddened to know that we have had a lot of trees give their life to print these bills this week.

I would like to recognize the ranking member of the Budget Committee, Mr. RYAN of Wisconsin, for some remarks on this legislation.

Mr. RYAN of Wisconsin. I thank the gentlelady for yielding, and I thank her for her leadership on this.

As we take a look at this bill that just passed the House not 20 minutes ago, I think it is important to know what is in this piece of legislation. This piece of legislation weighs about the same amount of weight as my 4-year-old son does. This piece of legislation is 3,565 pages. It is 9,200-plus earmarks, 300 of which we just found out about today.

This bill costs $515 billion. This bill does a lot for a lot of Federal workers in the holiday season. It makes sure that all those Federal workers working at all the different government agencies have their budget for the year.

But what this bill does not do going into this holiday season, it does not give those soldiers in Iraq fighting for our freedom on the frontline of the war on terror, it does not give them one penny. It does not give them 1 minute's worth of comfort so that they have the resources, the tools, the body armor, the bullets, the gasoline, the rations, the support that they need to keep us safe and to fulfill our mission in fighting the war on terror where the epicenter is in Iraq.

□ 2300

It is a shame that we spend all of this time putting all of this money, all of this pork for all of these government agencies, making sure that bureaucrats here in Washington are comforted during this Christmas season, but not a penny to support our troops in harm's way in Iraq. That is a shame.

What is also a shame is this bill was dropped on the table today and passed today. Not a single Member of Congress read this entire bill; yet it passed and is on its way to becoming law.

It is also a shame that it is putting our Nation on a dangerous fiscal path. It is the beginning of the week, and we are going to put 10,000 earmarks into law. At the end of the week, we will pass more legislation that will cost billions more. I am worried we may not actually patch the AMT because the majority here is insisting on having permanent tax increases to pay for that.

So while we have already seen the delay in Congress is costing people a 2-month delay in their refund checks from the IRS, if this Congress keeps on the track they are on, they will raise taxes on millions of Americans and businesses just to try to provide for a temporary prevention of a tax increase on 19 million additional taxpayers, 19 million taxpayers who already, because of this delay, will see a delay in their refunds.

Mr. Speaker, this is not a good moment for the fiscal policy of our country. This is not a proud day for the House of Representatives to thump a 34-pound, 3,565-page bill on the desk and vote it out. But worst of all, it is not a good day for our soldiers, sailors, airmen and marines who are in the fight, who are on the front lines, who want our support, who deserve our support. That should have been taken care of before any single Member of Congress got their pork. Unfortunately, it wasn't, and that is what passed the House here this evening.

I see we are joined by several other colleagues who want to make comments on this. We have leaders here in the House of Representatives on fiscal conservatism, on fiscal responsibility, and I thank the gentlewoman who is controlling the time and thank her for her tireless leadership.

Mrs. BLACKBURN. I thank the gentleman from Wisconsin for coming and speaking. We are members of the Republican Study Committee. If you want to find out a little more about what is in this bill, you can go to our Web site, which is House.gov/hensarling/RSC, and find out a little bit about the details in this bill.

As the gentleman from Wisconsin pointed out, this is serious business. We are responsible for the budget process of the House. The House holds the purse strings for the Federal Government; and it is a duty that we, many of us, take very, very seriously.

Mr. Speaker, it is of tremendous concern to us when a bill is filed at 12:30 a.m., the dark of night, this bill gets filed and within 24 hours this 3,565-page bill is voted out. And as the gentleman said, there is no funding for our troops on the ground in Iraq who have been making steady, consistent progress. What a disservice to the troops and to the American people.

I want to recognize the gentleman from Texas (Mr. HENSARLING), who is chairman of the Republican Study Committee. His Web site, House.gov/hensarling/RSC, that is where you can get a copy of what is in this bill; the $515 billion that is contained in here, plus you can find out where some of those gimmicks, budget gimmicks are; plus, you can take a look at some of the emergency/nonemergency spending that is also in here just so that the majority can spend a little bit more money.

But I would like to yield to the gentleman from Texas who chairs the Republican Study Committee, Mr. HENSARLING.

Mr. HENSARLING. I thank the gentlewoman for yielding. And, again, I thank her for her leadership in this institution, a very clear, concise, conservative voice on this House floor, particularly when it comes to trying to save the family budget from the onslaught of the Federal budget.

As my colleague from Tennessee has pointed out, the House is completely broken. It is completely broken and felled under this new Democratic leadership. They said they would do better if they were in charge. So what do they bring us today? Today they bring us a 3,565-page spending bill which people have been able to see beside my colleague's speaking position over here, weighing in at 34.4 pounds, roughly the weight of my 5-year-old daughter.

It spends $515 billion of the people's money, and the Democrat majority brought it to the floor tonight and devoted less than 1 hour of floor time debating this omnibus bill. This body spent about a minute debating every $9.1 billion being spent in this bill.

Now, that is money if left in the hands of the families of America and the small businesses of America, who make the jobs and have to work hard to send their kids to college and put food on the table and put roofs over their heads, that money is coming from them; and we spent less than a minute debating $9 billion. The minutes went by, and all of a sudden this House passed a $515 billion bill.

Now, Mr. Speaker, when the Republicans were in charge, unfortunately, my party occasionally brought an omnibus bill to the floor, and I personally voted against each and every one because I don't believe that was the vision of the Founding Fathers. It is not the way we should run this government. In fact, I was at a town hall meeting in my district not too long ago and a gentleman from the Athens, Texas, in the 5th Congressional District of Texas, said: Don't you think we would have a much better government if Members of Congress were actually required to read the legislation before they vote on it?

What human being can read 34.4 pounds, 3,565 pages in one day? That is right, Mr. Speaker, this bill was just given to us today. In the early morning hours, this bill was laid upon this institution.

So there is no transparency here. It is interesting to me that when the majority party was in the minority, they screamed to the rafters about this process. Listen to what Speaker PELOSI, then minority PELOSI had to say about this process: ''The Republican leadership forced through a so-called 'martial law' rule that required a same-day vote preventing Members of Congress from having enough time to read legislation. They spent hundreds of billions of dollars and it was thousands of pages long. This arrogance of power is part of a pattern of abuse.''

Now that is what Speaker PELOSI said 3 years ago when she was in the minority. Now that she is the Speaker, does this mean she is imposing martial law on this House with this process that she decried 3 years ago? Is she now bringing a spirit of arrogance to this institution which she decried 3 years ago? Is she part of the pattern of abuse that she decried 3 years by forcing Members of this institution to vote on this monstrosity?

So on process alone, this bill ought to be rejected. But it really ought to be rejected because it puts us on a path of extreme fiscal irresponsibility. Already today this government is on automatic pilot to force the largest single tax increase in American history on working families all across America. It was included in the Democrat budget. More spending fosters more taxes. And that's just the start, Mr. Speaker, because after imposing the single largest tax increase in American history in the Democrat budget, with their so-called ''mother of all tax increases,'' they are going to once again make history by imposing the single largest tax increase in American history yet again, perhaps twice in a 12-month period. I am sure that will break some kind of record here in the House of Representatives.

But don't take my word for it. Listen to the head of the Congressional Budget Office, the head of the Government Accountability Office, the Federal Reserve chairman. They are all going to tell you the same thing, Mr. Speaker, and that is without changing the spending patterns of the Federal Government of which this omnibus represents some of the worst, we are on automatic pilot to double taxes on the next generation. Double. And the average American family pays roughly $22,000 a year in taxes. That will go to $44,000. How many American dreams are going to be squashed by a tax burden of that magnitude, represented by that 34.4 pound omnibus spending legislation which will flatten the American taxpayer like a bus.

It is full of gimmicks from people who said they were going to bring the most honest and ethical Congress in the history of mankind to this institution. They take a rubber stamp and they stamp ''emergency spending'' on anything that moves because they have this little clever device that allows them to avoid any kind of budget discipline when they do that. They have this gimmick called ''advanced appropriations'' that would make an Enron accountant blush, but they use it to once again evade any spending discipline whatsoever in this institution.

They said they would clean up earmarks and this is chock full of earmarks. Mr. Speaker, if you look closely, maybe some of these earmarks pass the legal test. Maybe they even pass some ethical test, but all too often the American people are seeing campaign cash going into the institution on this end, and they are seeing earmarks coming out the other end. It doesn't meet the fiscal responsibility test, and it doesn't meet the American taxpayer smell test. And that bill is chock full of it. Out of 3,565 pages, 692 pages are devoted to individual congressional earmarks, which many of the American people believe serve no other purposes other than to get Members of Congress reelected.

Again, the Democrat majority said they would clean it up and there would be transparency and accountability. We haven't even had time to read the 692 pages. We don't know what is in there. Maybe there is another museum to a Member of Congress, as the chairman of the Ways and Means Committee managed to earmark $2 million to create a museum to himself.

One final point before turning this over to some of my other able colleagues from the Republican Study Committee. I want to harken back to a point made by the gentleman from Wisconsin (Mr. RYAN), ranking member of the Budget Committee. Earlier tonight the Democrat majority leader came to the floor and said, We have a responsibility to fund our government.

Well, I don't know everything that is in that bill, Mr. Speaker, but I know something that isn't in that bill. There is no funding for the men and women fighting for freedom in Iraq. Not one penny. Now how do you have a bill that ostensibly funds the United States Government and somehow you leave out the men and women who wear our Nation's uniform? They wear our Nation's uniform. They come from the small towns and factories and fields from all over America. Their paychecks come from the same United States Treasury that Members of Congress' do. Somehow the Democrat majority managed to put into their 34-pound bill thousands of earmarks. They managed to fund every single bureaucrat at the Commerce Department, but they can't find one penny for our brave men and women fighting on the front lines of freedom in Iraq.

Mr. Speaker, maybe they don't believe in the cause, but don't they believe in the soldiers, sailors, airmen and marines?

□ 2315

There is no way that any Member with any credibility can come to this floor and say we are presenting a bill to fund the Federal Government but, oh, we don't really consider members of our armed services fighting in Iraq to be members of our government. I just don't know what planet some of these people come from, Mr. Speaker, and that's just shameful. It is a shameful moment this year in the history of the House to present this spending abomination, chock full of earmarks that ignore our men and women in harm's way in Iraq. And it's one of the lowest points of this entire year for this Democrat Congress. And I hope that the American people are paying very special attention to what is going on here tonight.

I appreciate the gentlelady, again, for her leadership for taking the time to help elaborate on really this heinous piece of legislation that came to the floor earlier, and I want to thank her. And I want to thank all the members of the House Conservative Caucus, the Republican Study Committee, the largest caucus in the House, for always being ready and vigilant to fight for freedom and to work for less government and more freedom and more opportunity, and that's what the Republican Study Committee is all about. And I appreciate the opportunity to share in this Special Order, and I yield back to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from Texas. And again, Mr. Speaker, if someone would like to pull down the summary and get the information on this bill, house.gov/Hensarling, H-E-N-S-A-R-L-I-N-G, /RSC, and they can pull down our summary here. H.R. 2764 is the omnibus. Not a minibus. It is a great big omnibus, all 3,565 pages, and they can see for themselves a little bit about what is contained in here and what is not contained.

And as the gentleman from Texas said, the fact that we are a Nation at war and we have men and women in the field in Iraq who are fighting for our freedom, fighting for our ability to be here and to serve in the U.S. House of Representatives, fighting for our security so that we can safely and peacefully celebrate Christmas and the holiday season, and we do not honor their service by funding that work. It is a serious error. It is a serious omission.

At this time, I would like to yield to the gentleman from Arizona (Mr. SHADEGG), who has been chairman of the RSC in times past. He serves on the Energy and Commerce Committee. He is one of the leading fiscal conservatives in this body, and I yield to him for his comments on the omnibus.

Mr. SHADEGG. I thank the gentlelady from Tennessee for yielding, and I want to commend her for her work. You know, there is a story here tonight. There's a story the Nation needs to know. There's a story of an institution charged with protecting this Nation and carrying out the responsibilities of this government, and it is a story of shame. It is a story of failure. It is a story of an institution that's supposed to be doing its job and isn't.

And I commend the gentlelady from Tennessee (Mrs. BLACKBURN) for her efforts to bring that story forward, to point out the 3,565-page bill that was laid on us less than 20 hours ago when we were given less than 20 hours to pass it.

But the real story here, I would suggest, is a story that some of my colleagues have already commented on, and that is the story of 9,200 earmarks in this bill. Now, I suppose if you're an average American you're sitting back at home and you flip through the TV channel and you catch C–SPAN and you know generally what an earmark is. But let me tell you what it is. An earmark is an effort by a Member of Congress to name some little project that will somehow benefit, or they can make an argument that it will benefit, them or their constituents in some way, and yet, sadly, when you examine those earmarks, you find one thing is true. Every single one of them is self-serving, designed to get that Member of Congress re-elected, and every single one of them is put in there with huge effort.

Now, in this bill, we have 9,200 individual Member projects, earmarks, if you will, inserted in the bill. You heard my colleague, Mr. RYAN from Wisconsin, point out that 300 of those Member projects or earmarks were dropped in this bill just last night. That is to say, they've never been seen before.

Now, my colleague from Texas, Mr. HENSARLING, pointed out that none of us could do what I was asked to do when I ran in 1994. When I ran for the United States Congress in 1994, my constituents said to me, Congressman, we want you to go back there and promise us you'll never vote for a bill that you haven't read. Ladies and gentlemen, no one can read a 3,565-page bill in 20 hours. It can't done be done.

I had a conservation with a constituent this weekend when I was home, and he said to me, because I was complaining to him about earmarks, about misspending, he said, Well, I thought that the Democrats cleaned that up. I thought that practice ended. I thought they'd ended that. I thought the reforms had changed that.

Well, the gentlelady from Tennessee and the gentleman from Texas and my colleague from Wisconsin have pointed out the story of the night. The story of the night is all the talk about reform was just that; it was talk. Reform has not happened. If the American people believe that they elected a new majority to this Congress to end wasteful spending, it didn't happen. If they believe they elected a new majority to Congress to get things done in regular order so we could review the bills and read them before they were voted on, it did not happen. If the people across America believe they elected a new majority, and that new majority reformed the rules to end earmark abuse, it didn't happen, because those earmarks are here.

HILLARY CLINTON's hippie museum, it's here. And God knows what else is in this bill, because the 3,565 pages which sit right there cannot possibly have been combed by all of us in this time.

What you have heard is that while Congress could find time to put in 9,200 earmarks in this bill, and combined with prior bills, take the total earmarks for the year to 10,300, roughly, roughly $17.6 billion in Member projects and earmarks, we could find the time to do that. All the Members of Congress could, you know, write out their list requests and say, I need this project and I need that project and I need this project, and HILLARY CLINTON needs a hippie museum, and God knows what else is in this bill. But we couldn't find time, as my colleagues from Texas and Tennessee and Wisconsin have pointed out to you, we couldn't find time to put money in there for our soldiers in Iraq.

Oh, we could find time to renovate the U.N.'s headquarters in New York. We could find time to essentially overturn the Secure Fence Act by making it almost impossible to build that fence. We could find time to craft 692 pages of individual Member requests, little requests, fund this so that I look good and I get re-elected. We could find time for that. We could find time for 9,200 of those.

We could air-drop, that's right, you heard, air-drop earmarks. What does that term mean? Well, an air-drop earmark is an earmark that is inserted in a bill after it has left both the House and the Senate. How many of those are there in this bill that nobody's ever seen, perhaps, but the author of the bill? There are 300 of those. So we could find time for 9,200 earmarks, 300 of them air-dropped, never seen before. No American, no average American back home has had any chance to review them. We could find time for that, but we could not find time to fund the war in Iraq.

I commend the gentlelady for bringing these facts forward. I think it is a story that America needs to know. They need to know that this Congress, as the gentlelady from Tennessee pointed out, was supposed to do this work clear back last August, last September, and be done with it. But they couldn't find time to do it until now, almost Christmas Eve. But by gosh, they could find time for their earmarks, their pet projects. But no time for the Nation's defense.

I commend the gentlelady from Tennessee. I appreciate her yielding me time. I think this is a story the American people know about, need to know about, and I think it's worth saying here one more time. My friend TOM COLE from Oklahoma said, ''Earmarks are a gateway drug to higher spending. I suggest this bill proves that to be true. Once again, earmarks pave the way for higher spending. And as my colleague from Texas pointed out, that means higher taxes, less money in the pocketbooks and wallets of the American people, more money in the hands of the government to, frankly, misspend in ways to try to get themselves re-elected. I think it's an important story. I think it's a sad day, and I commend the gentlelady for asking the time, late at night to take her time and to work hard to make sure that some Americans know the abuse that's going on, the outrages, the hundreds of thousands of earmarks and the hundreds of thousands of air-dropped earmarks, special projects nobody has ever seen that are put into this bill. And I commend you for the job you're doing.

Mrs. BLACKBURN. I thank the gentleman and I thank him for his comments on this.

Mr. Speaker, I think that it is just one of these occurrences that has happened tonight that you just find almost inconceivable, that the majority could have filed a 3,565-page bill in the middle of the night and then bring everybody back to Washington and vote it.

Now, as the gentleman from Arizona said, the fiscal year started September 1. This is something that should have been done last summer. But, instead, they wait until Christmas week. They file this bill in the middle of the night. They don't give people time to read it. And then, as we do begin to read it, we find what we thought at first was going to be about 7,000 earmarks, read a little more, the number is growing to 8,000. Then, Mr. Speaker, lo and behold, we get up to 9,000. Then it goes to over 9,200. We find that 300 of those earmarks had not been discussed by anybody. They just appeared out of thin air, like magic. They just appeared and got written in to this bill that passed the House tonight.

That is not fiscal responsibility. That, Mr. Speaker, is what you call fiscal irresponsibility. It is the symbol of a broken process, with broken priorities, and it is broken promises. That is something that is very troubling to us as we are here this Christmas week hard at work defending the American taxpayer. And the American taxpayer has no better individual standing to defend them than the gentleman from Georgia. Mr. WESTMORELAND has worked with and chairs the Floor Action Team for us in the minority and does a wonderful job in that capacity. He is an active member and a part of the leadership of the Republican Study Committee. And I yield to him for his comments on the legislation.

Mr. WESTMORELAND. I want to thank the lady from Tennessee for her leadership in this and for her taking this late hour to come and be part of a group, the Republican Study Committee, that believes in fiscal conservatism, and are willing to stand up and fight, to be called names in this body. In fact, I think the lady and myself and others that have spoken here tonight have been called the fringe because we stand up and want to debate these issues and want to bring the truth to the American people. And to the lady from Tennessee, I just, you know, I think that we need to clarify to the people and let them understand what kind of position, not only us, but this whole House was put in today because less than 24 hours ago, at about 12:30 this morning, this bill, over 3,500 pages was filed.

□ 2330

Now, I don't know about the rest of you, and I'm sure the gentlelady from Tennessee, but I was in the bed then, sound asleep, as I'm sure most people were. I got up this morning and got dressed and got on a plane and came to D.C., but the first time this bill was debated and just the rule on this bill was about 5:30 tonight.

So put yourself in this position. Your financial officer for your company comes in and hands you a bill like this and says could you look at this and let me know if this is okay to finance this company for the rest of the year, and I need to know by about 8 o'clock tonight. Now, I think it would be impossible for them to do it. I think it would be impossible for any of us to do that.

It's been impossible for us to take 3,500 pages, something that weighs over 34 pounds, and try to consolidate that into information that we can base a vote on. It's impossible.

Talking about $515 billion. Now, when I was in the Georgia legislature, our State budget for 9 million people was a little over $16 billion, and I thought I realized how much $1 billion was but it was not until a friend of mine, Naomi Morgan, sent me an e-mail today, in fact, and pointed out several things to me.

One billion, if 1 billion were seconds and we went back 1 billion seconds, we would be in 1959. 1959 is 1 billion seconds from right now. And when you're talking about that, we just got through

passing a $515 billion bill in less than 24 hours, that's scary, isn't it? And.

The other thing is 1 billion minutes, if we went back 1 billion minutes from now, Jesus would be walking the earth. Jesus would be walking the earth 1 billion minutes ago.

Sometimes we lose perspective. We've been up here too long when we just throw around the word ''billion,'' but we were asked today to vote in less than 24 hours on a 3,500 page bill, weighs over 35 pounds, and contained $515 billion worth of spending.

You know, that shows me that the process is broken, and when the process is broken, the product is flawed. This process has been broken.

Now, we were lied to or misled. I'd hate to think that they purposely lied, but I think they misled us and the American people, the majority party, on the first day when they talked about a new open process, a new bipartisan spirit. See, I represent about 700,000 people, as every Member in this body does, and those 700,000 people want to have some type of input into the situation, and you know, unfortunately, I've not had any input in this bill. There has not been any amendments to be allowed.

We could not look at all the 9,000 or so earmarks in this bill to see if they were justified, but I do want to tell the American people, because one of the things other than spending too much of their money has been illegal immigration. Now, that is a high topic, and I want the American people, and I think this is very important because every town hall meeting I have and I don't know about you, every town hall meeting I have, every teleconference I have, the hottest topic that we have is illegal immigration. Now, this should really at least let the public know the priorities that the majority party has.

$10 million in this bill in that 3,500-page bill over there, $10 million of it went for emergency spending for defense attorneys for illegal immigrants. $10 million of that bill goes for defense attorneys in emergency spending for illegal immigrants; yet we did not fund our troops in Iraq one dime.

Mrs. BLACKBURN. I think that this is such an important part of this bill because we have talked a good bit about our troops in Iraq not being funded in this bill, and then when we talk about the gimmickry, and just I hate to even use the term. It's almost like a sleight of hand.

Mr. WESTMORELAND. Smoke and mirrors.

Mrs. BLACKBURN. Smoke and mirrors, it is indeed, where they come in and they're going to make it very difficult to build the fence.

You know, they have $2.7 billion for border security funds in the homeland security accounts, and then they have another $225 million for GSA related to the border fence. Then they turn around and there is $10.5 million for defender services for illegal immigrants. And we know that what they've done is to go in and make it very, very difficult.

The bill releases $650 million of this funding for the border fence only after, and that is where they're setting up roadblock, only after the Appropriations Committee is satisfied with the Department of Homeland Security's expenditure plan and that 15 conditions listed in the bill are met.

Now, as the gentleman knows, every time we do a town hall meeting people are so concerned about the loss of this Nation's sovereignty, about the loss of security in our communities. Because the illegal immigration issue is not addressed, every State's a border State, and every town is a border town, and now we see that they're playing tricks. They're going to say, well, we're going to go under emergency money and we're going to put it in here that it could be released if we decided it was an emergency, and oh, by the way, we're going to release part of it only after the Appropriations Committee is satisfied.

Well, what's satisfied one person's requirements may not satisfy another because it is subjective, and that will be released at that time. And then you have got 15 conditions. Well, you can make it impossible to ever satisfy a list of conditions, Mr. Speaker, if your goal is to block something. If your plan is to fail, you can develop a plan to fail, and that is what we see in this 3,565 pages of a budget document is how to fail.

And I yield back to the gentleman.

Mr. WESTMORELAND. I was going to say, and trust me, what you were just talking about as far as meeting these requirements, trust me, this $10.5 million that we're spending on these defense attorneys for these illegal immigrants, trust me, they're going to law you up and keep us from building that fence.

And you know, now when my constituents say, Congressman, why aren't we building that fence, why aren't we securing the border, then I've got something I can tell them now. I can give them that 3,500-page bill, of course there's no telling what it would cost them to get a copy of that, 35 pounds of paper there, and say it's in this bill that we will build the fence but only under certain conditions.

And I think the gentlelady from Tennessee, or anybody that's had a town hall meeting, would agree that these people do not care about the conditions. The only conditions they want is they want a fence. They want a border. They want a secure country because no country without secure borders is secure.

And so that's what the American people want, not stumbling blocks and not something big enough to hide $10.5 million in for defense attorneys in emergency spending. Now, this is emergency spending for the illegal immigrants. We've got some true emergencies, but it's not in defending them. It's in allowing them to come here.

So I just hope that the American people, that tonight somehow that we have made a difference or maybe had at least some eye opening with some of the information that we've given them about this bill over here that we were asked to vote on today, and I hope that they will understand that this is not an easy process.

But the process is broken, and I will be honest with you, it was broken when we were in charge, but it's lost another wheel. We may have only been one wheel short when we were in charge, but trust me, both axles are broken right now, and it's just being drug along the ground. It is broken. The product is flawed.

We need to start over. I would hope that the President would veto this bill. I would hope that he would veto this bill and get us back to the table so we can take some of these things back out, save the taxpayers some money.

But I do appreciate, again, the leadership of the gentlelady from Tennessee and her willingness to come here this late at night and try to explain some of this to the American people so that they can have a better understanding of some of the challenges that we're faced with and some of the opportunities that the majority party is taking with smoke-and-mirror bills like we passed today.

So I want to thank the gentlelady.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia, and you know, I think it is so important that, once again, I remind individuals at house.gov/hensarling/rsc you can get a little bit of a summary of the bill.

Of course, you know, it's one of these things where, Mr. Speaker, we have had it for only a very short period of time because it was less than 24 hours ago that it was even put up on-line for Members to be certain that they had the chance to look at it. I was one of those Members up. I was at home working away, trying to get things finished to get some of my Christmas cooking done and my Christmas ironing done and ready for the holiday season with my family. And I will tell you, it is of such concern to me that we see the manner in which this has been constructed and pulled together.

I do hope that the American people will sit down and look through some of this and see where this money is going. My goodness, when you see $11 billion for emergency designated spending and then you see that the budget's criteria for emergency spending is sudden, unforeseen, temporary, urgent, et cetera, and that is where you see some of the gimmickry begin to come in.

Of course, these are things that we all agree with. There's money for drought relief, which that's been very difficult, but $20 million for farm service agency salaries and expenses, that should have been something that was anticipated.

Eight million dollars for Department of Justice administrative review and

appeals; $10 million for legal activities, salaries and expense; $7 million for U.S. attorneys, salaries and expenses; $15 million for U.S. marshals, services, salaries and expenses; $143.5 million for FBI salaries and expenses; $2 million for Drug Enforcement Agency, salaries and expenses; $14.5 million for Court of Appeals, salaries and expenses. Mr. Speaker, salaries and expenses should be something that was anticipated. I'm not certain that meets the criteria of emergency. Emergency should be something that is unforeseen, that we didn't know was going to happen. Now, if we have people on our payroll and we do expect them to get a paycheck, then that salary and the related expenses and benefits are something that we should be planning for.

Then there's the $10.5 million that the gentleman from Georgia and I have discussed where you set aside the money for illegal immigrants to be able to have attorneys to defend them. And then there's the ruse of the border fence with the money that's being appropriated but then you can't get to it.

There's $300 million for wildfire suppression and $195 million for the Minnesota bridge accident, which occurred many months ago.

□ 2345

And here is $100 million for Presidential security at political conventions.

Mr. Speaker, it may be a news flash. This may be totally new to many people, but we have a political convention every 4 years. This is something we should be planning for. It should not be an emergency expense that we are going to have to have Presidential security at the political conventions. Cities go to great lengths to bid to get these conventions, to be able to hold them. We know that every 4 years we are going to have a Presidential election. This is something that is anticipated. It is not an emergency that is unexpected.

Mr. WESTMORELAND. Will the gentlewoman yield?

Mrs. BLACKBURN. I will gladly yield.

Mr. WESTMORELAND. You just told me something new when you were reading out those salaries in there under emergency spending. So we are paying district attorneys and judges and other people these salaries in emergency spending, but yet we are not funding our troops in Iraq. Is that what you're telling me?

Mrs. BLACKBURN. Reclaiming my time, that is what we have found. That is all a part of the emergency spending component. That's why I think it's so interesting when you go through and read the summary on this bill because you find that in order to carry out the ability to spend a little more on programs where they want to spend more, what they have done is to shift the cost. And so if you can put it under emergency spending and then not have to submit it to the PAYGO rules, then it allows you to be able to spend a little bit more.

Mr. WESTMORELAND. So this is more smoke and mirrors, is what you're saying?

Mrs. BLACKBURN. It is more of the smoke and mirrors, and I am sure it was concocted in a smokefilled room. But it just doesn't make good sense, and it's just not common sense in the way it ought to be done when you look at your different allocations and your different lines. And certainly there are many people listening to this who sit on county commissions and city councils and they are in State legislatures and they are listening to this and they are pulling down this budget document and they are saying, We could never get away with something like this.

Mr. WESTMORELAND. The funny thing is if we had corporate officers that were running their companies like that, we would have them in front of the Government Reform Committee and having a hearing on them. It's embarrassing that we are running our government the way we are running it, and yet we are having hearings about these corporate officers that are doing things in the dark of night and in smoke and mirror, phony documents that they're doing.

Mrs. BLACKBURN. Yes. Reclaiming my time, the next segment that I have here is after the emergency spending, which I was reading through, then we get into the budget gimmicks, and you see how they have pulled in $10.2 billion in gimmicks that are being used to artificially lower the cost of the bill. And it goes through this with some transportation funds; the crime victims fund; advanced appropriations, which sounds just a little bit sneaky there. It increases some funding for the BRAC account, and there's a way that's kind of shifted and moved around.

And then following that we get into each of the individual Departments, each of the appropriations bills, with the Agriculture bill, Commerce-Justice-Science, Energy and Water. We go through each of these and list where some of the provisions are and some of the increases. There is an increase in here for salaries and expenses at the Food and Drug Administration from $1.57 billion to $172 billion. An increase for conservation programs. The Legal Services Corporation, the LSC, it gives $350 million for them, $1 million over the fiscal year 2007.

Now, the Legal Services Corporation is free legal aid. They represent individuals that sue the government. So we are going to increase their funding, but we are not going to fund our troops, and we are not going to get that fence built and secure that border. So in here is increased funding for energy efficiency and renewable energy programs from $1.47 billion to $1.72 billion.

Mr. WESTMORELAND. Fuzzy math.

Mrs. BLACKBURN. And there again you see that we are increasing that. We are increasing the Department of the Interior programs, but we are not funding our troops. We see increased funding for the IRS. They are going from $10.60 billion to $10.89 billion, and it is an increase of $295.3 million or 2.8 percent over their fiscal year 2007 numbers. So we are going to increase money for the IRS, but we are not going to get that money to our troops.

Mr. WESTMORELAND. Will the gentlewoman yield?

Mrs. BLACKBURN. I will gladly yield.

Mr. WESTMORELAND. I don't know how your constituents are going to feel about that, but when I go home and tell my constituents that we increased the IRS spending more than the normal 4 percent, or whatever it is, we have increased it double, and yet we didn't want to give any money to our troops in Iraq, they're going to be kind of mad about that. But then when I tell them they put up roadblocks about building the fence and we didn't fund our troops in Iraq, they're going to be upset about that. And then when I tell them about the $10 million in emergency spending for defense attorneys, I think they are really going to be mad about that.

I hope the American people get a good grip on this.

Mrs. BLACKBURN. When I go back and say they were going to increase funding to the IRS and it would be $10.89 billion, my constituents are going to say that's why you need to get rid of the IRS, and that's why we need to have a fair tax.

Mr. WESTMORELAND. Absolutely.

Mrs. BLACKBURN. And that is what we will hear from our constituents.

And the list goes on and on, as you can see. I have got plenty of pages that we could flip through. We even have title X and family planning money that is increased by $300 million. And I find it so very interesting that they go in and they increase the title X and the Family Planning money, but guess what? What they didn't do was to increase the money for the abstinence education program. Now, how about that, Mr. Speaker? That funding was held level. It was held level. And Family Planning and Planned Parenthood will get big increases, but abstinence education will not.

Well, Mr. Speaker, as I have said several times tonight, budgets are about priorities. Budget documents tell you where you want your emphasis to be. And what we see from this majority is a budget process that is broken, with priorities that are broken, and promises that are broken. And we have a 3,565-page bill that weighs 34.4 pounds when you print it out. It contains over 9,200 earmarks. There are lots of pet projects, lots of pork in this big Santa sack. What is missing is funding for the troops on the ground in Iraq.

I find it very sad, very sad indeed, that it is the men and women who defend this great Nation who are left out in the cold this Christmastime. They are the ones that should be at the very

top of the list, Mr. Speaker. We should think of them first. We should honor them in the way that we do our jobs. We are a Nation at war. We know that. That is something I think most people in this body agree with. And we pass a budget that does not include them and does not include the funding to meet their needs.

Mr. Speaker, you and I would not be able to stand in this Chamber and have this debate if it were not for the men and women of the U.S. military. We should honor them. They should have been Title I, Page 1. And instead they are nowhere to be found in 3,565 pages. That is a serious oversight.

And, once again, we can talk about all the other things. We can talk about the illegal immigrants being able to get funding for attorneys. We can talk about roadblocks to having the borders secured, things that are purposely placed there; but the most egregious oversight is the fact that it does not fund our troops.

As I close, I will say God bless those troops. God bless their families. And, Mr. Speaker, my prayer is that this House will reverse itself and will put them first in this budget document.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and the balance of the week on account of eye surgery.

Mr. ORTIZ (at the request of Mr. HOYER) for today and December 18 on account of personal health.

Mr. PASTOR (at the request of Mr. HOYER) for today.

Ms. WOOLSEY (at the request of Mr. HOYER) for today and through December 21.

Mr. GILCHREST (at the request of Mr. BOEHNER) for today and the balance of the week on account of an illness in the family.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today and the balance of the week on account of family matters.

Mr. WAMP (at the request of Mr. BOEHNER) for today until 8 p.m. on account of travel delays.

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. KENNEDY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Mr. KENNEDY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, December 21.

Mr. JONES of North Carolina, for 5 minutes, December 21.

Mr. BURTON of Indiana, for 5 minutes, December 19, 20 and 21.

Ms. FOXX, for 5 minutes, today.

SENATE BILLS REFERRED

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

S. 1396. An act to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia to the Committee on Veterans' Affairs.

S. 1839. An act to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya to the Committee on Foreign Affairs.

S. 1858. An act to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes to the Committee on Energy and Commerce.

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes to the Committee on Energy and Commerce.

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic'' to the Committee on Veterans Affairs.

S. 2400. An act to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes to the Committee on Armed Services.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes to the Committee on Oversight and Government Reform.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 69. Joint Resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on December 5, 2007 she presented to the President of the United States, for his approval, the following bill.

H.R. 1429. To reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

Lorraine C. Miller, Clerk of the House, also reports that on December 13, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 365. To provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 4252. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

H.R. 4343. Fair Treatment for Experienced Pilots Act.

ADJOURNMENT

Mrs. BLACKBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), under its previous order and pursuant to House Resolution 880, the House adjourned until tomorrow, Tuesday, December 18, 2007, at 9 a.m., for morning-hour debate, as a further mark of respect to the memory of the late Honorable JULIA CARSON.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4678. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2007-1057; FRL-8339-2] received December 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4679. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-03, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4680. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Patent Rights-Ownership by the Contractor [DFARS Case 2001-D015] (RIN: 0750-AD72) received December 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4681. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Implementation Plans of Michigan: Clean Air Interstate Rule [EPA-R05-OAR-2007-0519; FRL-8508-1] received December 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4682. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Nebraska; Interstate Transport of Pollution [EPA-R07-OAR-

2007-1128; FRL-8527-1] received December 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4683. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Missouri; Clean Air Insterstate Rule [EPA-R07-OAR-2007-0782; FRL-8506-8] received December 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4684. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule [EPA-R03-OAR-2007-0448; FRL-8506-4] received December 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4685. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

4686. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

4687. A communication from the President of the United States, transmitting an supplemental consolidated report, consistent with the War Powers Resoultion, to help ensure that the Congress is kept fully informed on U.S. military activities in support of the war on terror and Kosovo, pursuant to Public Law 93-148; (H. Doc. No. 110—81); to the Committee on Foreign Affairs and ordered to be printed.

4688. A letter from the General Counsel, General Accounting Office, transmitting the FY 2007 report of the instances in which a federal agency did not fully implement a recommendation made by the GAO in connection with a bid protest decided the prior fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Oversight and Government Reform.

4689. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's Fiscal Year 2007 Agency Financial Report; to the Committee on Oversight and Government Reform.

4690. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the Office's report on the accounting of expenditures from the Unanticipated Needs Account for fiscal year 2007, pursuant to 3 U.S.C. 108; to the Committee on Oversight and Government Reform.

4691. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the FY 2007 Performance and Accountability Report, required by the Government Performance and Results Act; to the Committee on Oversight and Government Reform.

4692. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD55) received December 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4693. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Authentic Native Handicrafts (RIN: 1024-AD20) received December 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4694. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System, National Capital Region (RIN: 1024-AD40) received December 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4695. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974: Implementation [AAG/A Order No. 032-2007] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4696. A letter from the Director, Government Accountability Office, transmitting the Office's report on the implementation of the Reform Act's Debt Reaffirmation Agreement Provisions, pursuant to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; to the Committee on the Judiciary.

4697. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Clarification of NRC Civil Penalty Authority over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities (RIN: 3150-AH59) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4698. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Extension of the Presumptive Period for Compensation for Gulf War Veterans (RIN: 2900-AM47) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4699. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.213-1: Medical, dental, etc., expenses (Rev. Rul. 2007-72) received December 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4700. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credibility of Mexican Single Rate Business Tax [Notice 2008-3] received December 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4701. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Report on University Collaboration,'' pursuant to Section 1010 of the Energy Policy Act of 2005; jointly to the Committees on Energy and Commerce and Education and Labor.

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. WAXMAN: Committee on Oversight and Government Reform. H.R. 3179. A bill to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments (Rept. 110–494). Referred to the Committee of the Whose House on the State of the Union.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 876. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–495). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 877. Resolution providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes (Rept. 110–496). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 878. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–497). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 or rule XII the following action was taken by the Speaker:

[The following action occurred on December 14, 2007]

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than February 1, 2008.

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 12, 2008.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. TERRY:

H.R. 4708. A bill to extend the temporary suspension of duty on Avermectin B,1,4-deoxy-4-methylamino, (4 r)-benzoate; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4709. A bill to extend the temporary suspension of duty on Cloquintocet-mexyl; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4710. A bill to extend the temporary suspension of duty on Cyproconazole Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4711. A bill to extend and modify the temporary suspension of duty on Fludioxinil Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4712. A bill to extend and modify the temporary suspension of duty on formulations of Clodinafop-propargyl; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4713. A bill to extend the temporary suspension of duty on Metalaxyl-M Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4714. A bill to extend the temporary suspension of duty on mixtures of difenoconazole/mefenoxam; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4715. A bill to extend the temporary suspension of duty on Pinoxaden Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4716. A bill to extend the temporary suspension of duty on Primsulfuron; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4717. A bill to extend the temporary suspension of duty on Prosulfuron Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 4718. A bill to extend the temporary suspension of duty on Pymetrozine Technical; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4719. A bill to amend title 10, United States Code, to take reasonable steps to prevent avoidable disasters related to seismic activity in connection with the lease and development of non-excess property of military departments, and for other purposes; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 4720. A bill to direct the Secretary of Defense to issue a medal to certain veterans who died after their service in the Vietnam War as a direct result of that service; to the Committee on Armed Services.

By Mr. ACKERMAN:

H.R. 4721. A bill to amend the Terrorism Risk Insurance Act of 2002 to temporarily reduce the insurer deductibles for insurers sustaining insured losses from large terrorism events; to the Committee on Financial Services.

By Ms. CORRINE BROWN of Florida:

H.R. 4722. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 4723. A bill to extend the temporary suspension of duty on Cypermethrin; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 4724. A bill to extend the temporary suspension of duty on Zeta-cypermethrin; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4725. A bill to extend the temporary reduction of duty on Bromacil; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4726. A bill to extend the temporary reduction of duty on Pyrithiobac-sodium; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4727. A bill to extend the temporary suspension of duty on mixtures of methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-tri zin-2-yl]-amino]carbonyl]amino]sulfonyl]-3-methylbenzoate and application adjuvants; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4728. A bill to extend the temporary suspension of duty on Thiamethoxam Technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4729. A bill to extend the temporary suspension of duty on Triasulfuron Technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4730. A bill to extend the temporary suspension of duty on trifloxysulfuron-sodium technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4731. A bill to extend and modify the temporary suspension of duty on certain men's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4732. A bill to extend and modify the temporary suspension of duty on certain men's footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4733. A bill to suspend temporarily the duty on certain imaging colorants; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4734. A bill to suspend temporarily the duty on certain imaging colorants; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 4735. A bill to amend the Truth in Lending Act to protect tenants interests in foreclosure proceedings; to the Committee on Financial Services.

By Mr. FEENEY:

H.R. 4736. A bill to amend part B of title XVIII of the Social Security Act to repeal limiting charges under the Medicare Program for non-participating physicians and to preempt State laws that prohibit balance billing; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 4737. A bill to extend the temporary suspension of duty on 1,3-Benzenedicarboxamide, N, N'-bis-(2,2,6,6-tetramethyl-4-piperidinyl)-; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 4738. A bill to extend the temporary suspension of duty on reaction products of phosphorous trichloride with 1,1'-biphenyl and 2,4-bis (1,1-dimethylethyl) phenol; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 4739. A bill to extend the temporary suspension of duty on preparations based on ethanediamide, N- (2-ethoxyphenyl)-N'- (4-isodecylphenyl)-; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 4740. A bill to extend the temporary suspension of duty on 3-Dodecyl-1- (2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 4741. A bill to extend the temporary suspension of duty on 1-Acetyl-4- (3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4742. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4743. A bill to extend the temporary suspension of duty on certain integrated machines for manufacturing pneumatic tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4744. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4745. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4746. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4747. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4748. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi):

H.R. 4749. A bill to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; to the Committee on Homeland Security.

By Mr. KING of New York:

H.R. 4750. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any enlistment, accession, reenlistment, retention, or incentive bonus paid to a member of the Armed Forces and to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCARTHY of California:

H.R. 4751. A bill to amend title XI of the Social Security Act to provide that annual Social Security account statements indicate, in estimating the level of projected benefits of eligible individuals, the effect on such benefits levels of benefit reductions which may be necessary, in the absence of future legislative remedies, by reason of anticipated insolvency of the Social Security Trust Funds; to the Committee on Ways and Means.

By Mr. MEEKS of New York:

H.R. 4752. A bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 4753. A bill to suspend temporarily the duty on copper oxychloride and copper hydroxide; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 4754. A bill to suspend temporarily the duty on [(+/-) -2-(2,4-dichlrophenyl)-3-(1H-1,2,4-triazole-1-yl) propyl, 1,1,2,2-tetrafluoroethyl ether]; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 4755. A bill to suspend temporarily the duty on 1-(4,6-dimethoxypyrimidin-2-yl)-3-[2-(dimethylcarbamoyl)phen lsufamoyl] urea; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 4756. A bill to suspend temporarily the duty on 4,4'-butylidenebis[2-(1,1-dimethylethyl)-5-methylphenol]; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 4757. A bill to suspend temporarily the duty on 2,2'-methylenebis[6-(1,1-dimethylethyl)-4-phenol; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 4758. A bill to suspend temporarily the duty on Bis(2,3-dibromopropyl ether) of Tetrabromobisphenol A; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 4759. A bill to suspend temporarily the duty on 2,2'(2-Methylpropylidene) bis(4,6-dimethylphenol); to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 4760. A bill to suspend temporarily the duty on 2,5-Bis(1,1-dimethylpropyl)-1,4-benzenediol; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 4761. A bill to suspend temporarily the duty on 4,4'-Thiobis[2-(1,1-di-methylethyl)-5-methyl-phenol]; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4762. A bill to extend the temporary suspension of duty on self contained, carafe-

less automatic drip coffeemaker with electronic clock; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4763. A bill to extend the temporary suspension of duty on under the counter mounting electric can openers; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4764. A bill to extend the temporary suspension of duty on self contained, carafeless automatic drip coffeemaker; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4765. A bill to extend the temporary suspension of duty on open top, electric indoor grills; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4766. A bill to extend the temporary suspension of duty on electric juice extractors; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4767. A bill to extend the temporary suspension of duty on electric juice extractors; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4768. A bill to extend the temporary suspension of duty on sandwich toaster grills; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4769. A bill to extend the temporary suspension of duty on ice shavers; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4770. A bill to extend the temporary suspension of duty on combination single slot toaster and toaster ovens; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4771. A bill to extend the temporary suspension of duty on electric knives; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia:

H.R. 4772. A bill to extend the temporary suspension of duty on handheld electric can openers; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 4773. A bill to authorize the Department of Energy to make grants to carry out renewable energy projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H. Con. Res. 270. Concurrent resolution to make corrections in the enrollment of the bill H.R. 1593; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H. Con. Res. 271. Concurrent resolution providing for the sine die adjournment of the first session of the One Hundred Tenth Congress.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. BLUNT, Mr. ENGEL, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. POE, Mr. PENCE, Mr. MCCOTTER, Mr. CHABOT, Mr. ROYCE, Mr. WILSON of South Carolina, Mr. FORTUÑO, and Mr. INGLIS of South Carolina):

H. Res. 879. A resolution objecting to United Nations funding of the Durban Review Conference using the United Nations regular budget, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana:

H. Res. 880. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Julia Carson, a Representative of the State of Indiana; considered and agreed to.

By Mr. TANNER (for himself and Mr. SHADEGG):

H. Res. 881. A resolution honoring the life and mourning the death of John Berthoud, Ph.D; to the Committee on Oversight and Government Reform.

By Mrs. TAUSCHER (for herself, Mr. SKELTON, Mr. LANTOS, Ms. SUTTON, Mr. ROTHMAN, Mr. LOEBSACK, Mr. FARR, Mr. SHAYS, Mr. DELAHUNT, Mr. CROWLEY, Ms. MATSUI, Mr. MCGOVERN, Ms. LEE, Mr. JOHNSON of Georgia, Mr. ACKERMAN, Mr. MARKEY, Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. ALLEN, Mr. DOGGETT, Ms. SCHAKOWSKY, Mr. FALEOMAVAEGA, Mr. SERRANO, Ms. NORTON, Mr. MCDERMOTT, Mr. FATTAH, Ms. WATSON, Mr. VAN HOLLEN, Mr. BERMAN, Mr. WU, Ms. MCCOLLUM of Minnesota, Mr. HOLT, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. SCHIFF, Mr. BRADY of Pennsylvania, Mr. FILNER, Mrs. CAPPS, Ms. ZOE LOFGREN of California, and Mr. FRANK of Massachusetts):

H. Res. 882. A resolution expressing the sense of the House of Representatives that the Senate should initiate a bipartisan process to give its advice and consent to ratification of the Comprehensive Nuclear-Test-Ban Treaty; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

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

H.R. 178: Mrs. CAPPS.

H.R. 530: Mr. MARSHALL and Ms. DELAURO.

H.R. 1022: Ms. TSONGAS.

H.R. 1073: Mr. MICHAUD.

H.R. 1076: Mrs. BACHMANN.

H.R. 1117: Mr. MURTHA.

H.R. 1141: Mr. KLINE of Minnesota and Mr. COURTNEY.

H.R. 1223: Mr. SPACE.

H.R. 1514: Ms. JACKSON-LEE of Texas.

H.R. 1518: Mr. HASTINGS of Florida.

H.R. 1537: Mr. KNOLLENBERG.

H.R. 1621: Ms. NORTON.

H.R. 1713: Mr. MILLER of North Carolina.

H.R. 1845: Mr. BONNER and Mr. KING of Iowa.

H.R. 1890: Mr. HONDA.

H.R. 1940: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2012: Mr. MARSHALL.

H.R. 2027: Mr. MCCOTTER.

H.R. 2032: Mr. MARSHALL.

H.R. 2054: Mr. BERRY.

H.R. 2075: Ms. NORTON and Mr. HIGGINS.

H.R. 2164: Mr. FILNER.

H.R. 2212: Mrs. CAPPS.

H.R. 2231: Mrs. DRAKE, Mr. HONDA, and Mr. FRANK of Massachusetts.

H.R. 2266: Mr. WU.

H.R. 2290: Mr. JINDAL.

H.R. 2468: Mr. ALLEN.

H.R. 2702: Mr. SPACE.

H.R. 2734: Mrs. MILLER of Michigan.

H.R. 2744: Mr. WALSH of New York, Mr. MEEK of Florida, Mr. DENT, Mr. SALAZAR, Mrs. CHRISTENSEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GUTIERREZ, Mrs. TAUSCHER, and Ms. NORTON.

H.R. 2759: Mr. PAUL, Mr. GRIJALVA, Ms. KAPTUR, Mr. KILDEE, and Mr. KUCINICH.

H.R. 2833: Ms. WOOLSEY.

H.R. 2858: Mr. TIAHRT.

H.R. 2894: Mr. MILLER of North Carolina.

H.R. 2933: Mr. CARNEY.

H.R. 3010: Ms. DELAURO, Mr. CARNAHAN, Mr. MCNERNEY, Mr. ALLEN, Ms. CLARKE, and Mr. SALAZAR.

H.R. 3045: Mr. LANGEVIN.

H.R. 3080: Mr. REGULA.

H.R. 3109: Mr. FORTENBERRY.

H.R. 3118: Mr. TIAHRT.

H.R. 3182: Mr. MCGOVERN.

H.R. 3196: Mr. MEEKS of New York, Mr. WALSH of New York, and Mr. FOSSELLA.

H.R. 3219: Mr. MILLER of North Carolina, Ms. LEE, Mr. BAIRD, Mr. SESTAK, Mr. HINCHEY, and Ms. BALDWIN.

H.R. 3281: Ms. BALDWIN.

H.R. 3282: Mrs. MILLER of Michigan.

H.R. 3298: Mr. SPACE.

H.R. 3337: Mr. ABERCROMBIE.

H.R. 3510: Mr. MCCAUL of Texas, Mr. FILNER, Mr. POE, and Mr. DOGGETT.

H.R. 3547: Mr. CALVERT.

H.R. 3548: Ms. BEAN.

H.R. 3609: Mr. SCOTT of Virginia.

H.R. 3618: Mr. TOWNS.

H.R. 3631: Mr. MORAN of Virginia.

H.R. 3689: Mr. SESTAK and Mr. ALLEN.

H.R. 3774: Mr. HASTINGS of Florida.

H.R. 3793: Mr. MARKEY, Mr. CHABOT, Mr. TIAHRT, Ms. Velázquez, and Ms. TSONGAS.

H.R. 3797: Mr. STARK and Mr. SMITH of Washington.

H.R. 3812: Mr. SIRES.

H.R. 3846: Mr. PASTOR, Mr. LARSON of Connecticut, and Mr. GUTIERREZ.

H.R. 3876: Ms. WOOLSEY.

H.R. 3900: Mr. MCCOTTER.

H.R. 4011: Mr. PERLMUTTER and Mr. YOUNG of Alaska.

H.R. 4088: Mr. STEARNS and Mr. VISCLOSKY.

H.R. 4089: Mr. SPACE.

H.R. 4188: Mr. DEFAZIO and Ms. GINNY BROWN-WAITE of Florida.

H.R. 4203: Mr. BISHOP of Georgia, Mr. GINGREY, Mr. WESTMORELAND, Mr. BARROW, Mr. BROUN of Georgia, Mr. PRICE of Georgia, and Mr. KINGSTON.

H.R. 4206: Ms. BALDWIN.

H.R. 4220: Mr. SPACE, Mrs. MCCARTHY of New York, and Mr. AL GREEN of Texas.

H.R. 4236: Mr. TIERNEY, Mr. AL GREEN of Texas, Ms. CLARKE, Mr. GRIJALVA, Mr. PATRICK MURPHY of Pennsylvania, and Ms. RICHARDSON.

H.R. 4237: Mr. COHEN.

H.R. 4248: Mr. CARNAHAN, Mr. PETERSON of Pennsylvania, and Mr. COHEN.

H.R. 4286: Mr. BACHUS, Mr. FORTUÑO, and Mr. LOEBSACK.

H.R. 4318: Mr. CONAWAY.

H.R. 4328: Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, and Mr. DINGELL.

H.R. 4335: Ms. SCHWARTZ.

H.R. 4462: Mr. CARTER, Mr. TAYLOR, and Mr. RENZI.

H.R. 4464: Mr. SHUSTER, Mr. HOEKSTRA, Mr. BOOZMAN, Mr. PETERSON of Pennsylvania, Mrs. MYRICK, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. REHBERG, Mr. EVERETT, and Mr. KLINE of Minnesota.

H.R. 4540: Mr. ORTIZ and Mrs. BOYDA of Kansas.

H.R. 4544: Ms. BORDALLO, Mr. REYES, Mr. POMEROY, Mrs. NAPOLITANO, Mr. WEXLER, Mrs. BONO, Mr. SKELTON, Mr. SCHIFF, Mr. HONDA, Mr. BACA, Mr. BRADY of Pennsylvania, and Ms. SLAUGHTER.

H.R. 4545: Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, and Ms. KILPATRICK.

H.R. 4577: Mr. PUTNAM and Mrs. MYRICK.

H.R. 4651: Mr. GEORGE MILLER of California and Ms. WOOLSEY.

H.J. Res. 15: Mr. BROUN of Georgia.

H.J. Res. 64: Mr. RYAN of Ohio, Mr. BAIRD, Mr. FARR, Mr. HONDA, Mr. MCDERMOTT, Mr. MCGOVERN, and Mr. BLUMENAUER.

H. Con. Res. 2: Mr. HASTINGS of Florida.

H. Con. Res. 198: Mr. MEEKS of New York, Mr. SIRES, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Mr.

MEEK of Florida, Ms. SUTTON, Ms. ZOE LOFGREN of California, Mr. TOWNS, Ms. BORDALLO, and Mr. BRADY of Pennsylvania.

H. Con. Res. 246: Mr. PAYNE and Mr. BROUN of Georgia.

H. Con. Res. 267: Mr. TAYLOR, Mr. WOLF, Mr. KING of New York, Mrs. MYRICK, Mr. PAUL, Mr. CHANDLER, Mr. ROSS, Mr. BOREN, Ms. HERSETH SANDLIN, Mr. MELANCON, Mr. BOYD of Florida, Mr. SHULER, Mr. MAHONEY of Florida, and Mr. FEENEY.

H. Res. 493: Mr. ISSA, Mr. HERGER, Mr. HUNTER, Ms. SOLIS, and Mrs. BONO.

H. Res. 735: Mr. RUSH, Mr. LIPINSKI, Mr. LANGEVIN, Mr. NEAL of Massachusetts, Mr. COURTNEY, Mr. CLEAVER, and Mrs. TAUSCHER.

H. Res. 769: Mr. HENSARLING.

H. Res. 821: Mr. KING of New York.

H. Res. 843: Mr. ENGLISH of Pennsylvania, Mr. EVERETT, and Mr. LINDER.

H. Res. 856: Mrs. BIGGERT.

H. Res. 857: Mr. DELAHUNT and Mr. VAN HOLLEN.

H. Res. 863: Mr. KUHL of New York and Mr. TURNER.

H. Res. 868: Mr. LEWIS of Georgia.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, DECEMBER 17, 2007 No. 193

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our fathers and mothers, we thank You for Your kindness and mercy. When we call You in our pain, You answer our prayers and remove our worries. You enable us to defeat our enemies and surround us with Your protection.

Today, let Your presence be felt in the Senate. Encourage our Senators to be models of the unity our country longs for. Remind them that ultimately they will be judged by their productivity, for Your Word states, ''By their fruits, You will know them.'' Help them to see that they need each other and that more will be accomplished by working together than by laboring at cross-purposes.

We pray in the name of Him whose life was the epitome of peace, poise, and power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 17, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator

NOTICE

If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the *Congressional Record* for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, the Senate will immediately resume the motion to proceed to S. 2248, the FISA legislation. This debate will extend until 12 noon. At noon, the Senate will vote—or thereabouts; there may be a couple minutes' slippage—on the motion to invoke cloture on the motion to proceed to the legislation. If cloture is invoked on the motion, the motion can then be adopted and the Senate can proceed to the bill and begin the amending process.

ORDER OF PROCEDURE

I have 10 minutes under my control. I have given 35 minutes to Senator DODD and 15 minutes to Senator FEINGOLD. It is my understanding that the distinguished Senator from Missouri will allow 10 minutes from the Republican leader's time to go to Senator ROCKEFELLER. I will give Senator ROCKEFELLER 10 minutes. That means he will have 20 minutes. That uses all our time.

I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOREIGN INTELLIGENCE SURVEILLANCE ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2248, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline provisions of that Act, and for other purposes.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I will proceed on leader time so as not to encroach on the complicated agreement we reached on dividing time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, heading into our last work week, Republicans remain focused on the two principles that have guided us all year: protecting and defending the country from harm and protecting taxpayers' wallets. In these last few days, we will face some of the most crucial tests of the year on both fronts.

On security, Senate Republicans will amend the House version of the Appropriations bill to include funding for the troops in Iraq. Our men and women in uniform deserve our support wherever they are serving.

These funds are dangerously overdue. Delaying them further could put the Pentagon in serious straits and potentially jeopardize the universally acknowledged gains of the Petraeus plan.

We will also need to act wisely on reforming the FISA law that lets our intelligence agents track terrorists overseas. The success of this law over the last several years should be obvious to everyone.

The Intelligence Committee has produced a bill that would retain its core strengths; that has broad bipartisan support; and that, with slight modification, the President would sign into law. We need to act on this version of the revision without any political games.

On protecting taxpayers, we have two major pieces of legislation to finish: AMT, and a fiscally responsible omnibus bill.

A quarter of the way into the fiscal year, we have passed 1 of 12 Appropriations bills from last year.

We need to evaluate this omnibus and make sure it is written in a form the President will sign. That means funding for our forces in Afghanistan and Iraq, no excess spending, and no poison pills in the form of politically motivated policy riders.

Crucially, we also need to assure middle-class Americans we are not going to raise their taxes or further delay their tax refunds. The House needs to patch the AMT tax that now threatens 23 million taxpayers it was never meant to affect, and they need to do so without raising other taxes on these households.

We saw last week we could get legislation out the door when we work together. After Republican insistence, we passed an energy bill without raising taxes or utility rates. We will need to repeat that effort this week on several issues that lie at the very heart of our responsibilities to the American people.

We need to ensure the safety of our citizens. We need to keep them from being hit by new and unnecessary taxes.

We will need to do all this and act on several important executive nominations. New week. Much to do. America's watching. Let's get to work.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon is equally divided and controlled between the two leaders or their designees, with the Senator from Connecticut, Mr. DODD, controlling 35 minutes and the Senator from Wisconsin, Mr. FEINGOLD, controlling 15 minutes of the opponents' time.

Who seeks recognition?

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am not a part of the order as read by the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator has been allocated 20 minutes.

Mr. ROCKEFELLER. I thank the Chair.

Today, the Senate begins debate on S. 2248, the FISA Amendments Act of 2007. I am confident in saying without any risk of exaggeration that FISA modernization is one of the most important matters that will be considered by this Congress. It calls on us to get two essential matters entirely right—protection of our national security and the preservation of the privacy of our citizens.

I am proud of the substance of the bill the Intelligence Committee reported to the Senate in late October on a strong bipartisan vote of 13 to 2. I am equally proud of the process by which we achieved that result. The distinguished vice chairman of the committee, Senator CHRISTOPHER BOND, and I provided simple guidance for all who worked on this bill: First, work together, reach out; second, reach out particularly to the intelligence community and the Department of Justice for their expertise; third, keep in mind at all times the fundamental principles of protecting both the security and the privacy of all Americans; and finally, remain united in our effort to produce a bill that will meet the test of Congress and that will be signed into law by the President.

I am also grateful to all members of our committee for their contribution. As the Senate can see from our report, we debated and voted on highly important issues. We then sought as a committee to lay out for the entire Senate and the American public a description of our bill, the reasons for it, and, in additional views, further improvements that Members might seek. Our report is on each Member's desk. It is also on our committee's Web site and the Web site of the Library of Congress. I urge every Member of the Senate to read it, including a careful section-by-section explanation of the bill.

Of course, some sensitive intelligence matters cannot be described in a public report. That makes this something of an awkward procedure. If any Member has a question about a classified matter, please let the vice chairman or myself know, and we will do our best to

answer your questions in a classified setting.

I am also pleased that we will be sharing the management of this debate with Senator LEAHY and Senator SPECTER, the distinguished chairman and ranking member of the Judiciary Committee. From the very beginning of the Foreign Intelligence Surveillance Act of 1976, it has been a joint responsibility of the Intelligence Committee and the Judiciary Committee. It is, after all, a statute that concerns both intelligence collection and judicial proceedings. The Judiciary Committee considered the Intelligence Committee bill on sequential referral and has reported a proposed amendment to our bill.

In accordance with Senate rules, the Senate has before it only one bill; that is, the Intelligence Committee bill, S. 2248. The legislative recommendations proposed by the Judiciary Committee will be the first pending amendment. Some of the suggestions the Judiciary Committee made improve the quality of our product.

I commend Majority Leader REID for his decision to bring the FISA bill before the Senate under the regular order. While some advocated bringing before the Senate a hybrid bill which combined parts of both committees' work into one bill, the majority leader recognized that following regular order would not only allow for orderly consideration of important amendments but ultimately produce an even stronger bipartisan bill.

The products of the Intelligence and Judiciary Committees have a lot in common. Both fix a number of deficiencies in the flawed Protect America Act, hastily passed in August, as we all remember. Both strengthen our national security while protecting American civil liberties and privacy rights through enhanced and mandatory court review and approval of surveillance activities. Both would greatly improve oversight and accountability and ensure that the unchecked wiretapping policies of the Bush administration are a thing of the past.

Finally, each committee's work includes a sunset provision. Each strengthens the exclusivity of FISA—all concepts to be explained. Each establishes court approval of surveillance of Americans overseas—perhaps the most important of all the amendments. But there are differences in how each committee went about effecting these important protections.

Over the past month, we have worked very closely—our staffs—together to determine how best to reconcile the work of the two committees. It has been a bipartisan, straightforward process. I believe we have been able to work out a number of important amendments that take elements of the Judiciary Committee's work and add them to the underlying Intelligence Committee bill. There are some elements of the Judiciary Committee substitute amendment, however, that I do not support, but in all instances, I deeply appreciate the work of Senator LEAHY and our colleagues on the Judiciary Committee.

I commend in particular the extraordinary contribution during this process of four Senators serving on both committees: Senator FEINSTEIN, Senator HATCH, Senator FEINGOLD, and Senator WHITEHOUSE. They have worked tirelessly in their dual committee assignments to make this legislation as sound and balanced as possible.

Before I go into any details of the legislation and the expected debate over the next few days, I want to briefly remind my colleagues of the history of the debate and why FISA modernizing is so important.

The need to modernize FISA is explained by looking at the convergence of three elements in recent years. One is the rapid change of the world's communications systems, with new challenges and opportunities for signals intelligence arising from the fact that much of the foreign intelligence information now passes through or is stored in American electronic space. The second change is the significant increase in the number of intelligence targets outside of the United States, particularly as a result of international terrorism but also from weapons of mass destruction proliferation and other foreign threats. The final key judgment is that the 30-year-old FISA law has required a large number of individual applications to the FISA Court for the surveillance of foreign persons outside the United States, which was never intended—which was never intended—under the original legislation and does not involve the privacy of Americans.

So the question before our committee was not whether to modernize FISA but how to modernize FISA. We began this effort in March of this year, when the vice chairman, Senator BOND, and I notified the Attorney General of our intention to address FISA modernization. We also advised the Attorney General we would focus on whether legislation should be enacted to address the legal consequences of the President's warrantless surveillance program; namely, the many lawsuits resulting from the President's decision to act outside of the statutory requirements of FISA. In response, the Director of National Intelligence submitted a legislative proposal in April, which the Intelligence Committee began to consider at a public hearing in May.

These efforts to address FISA, however, were stalled for several months because of disagreements with the administration over access to key documents relating to the President's warrantless surveillance program. Yet, given the pressing need to fix FISA and allow for timely collection, we made a concerted effort over the summer to produce a bill that both the Congress and the administration could support. Unfortunately, it did not work. The result of that effort ended in the hastily passed and significantly flawed Protect America Act, which allowed for timely collection, yes, but did not include significant FISA Court safeguards.

In order to fix the Protect America Act and protect the privacy of Americans while strengthening the timely collection of intelligence, our Intelligence Committee spent several months this fall working on a new bill—the bill before us today—which accomplishes four principal reforms.

First, the special procedures provided by this bill apply only to persons outside the United States. If somebody is in the United States—an American is in the United States—all the traditional provisions and protections of FISA continue to apply. Everyone agrees this should be the case. The distinction of whether the target of surveillance is foreign or domestic makes it imperative that there is an adequate basis for determining whether somebody is reasonably believed to be outside the United States.

An important safeguard for Americans in the bill is the requirement for court-approved targeting procedures that are reasonably designed to accurately make the determination whether somebody is outside of the United States. The Protect America Act had included that requirement, and our bill does the same. But the Protect America Act had limited the authority of the FISA Court to review the reasonableness of those procedures by imposing a ''clearly erroneous standard'' on that review. Our bill strikes that limitation.

Second, our bill recognizes that minimization procedures have been an essential part of FISA from the beginning and will continue to play an essential role. These will be explained. These are procedures to ensure, among other things, that if Americans are overheard in conversations of a foreign target or there is discussion about Americans, that the identity of those Americans only be revealed within the U.S. Government if there is a good foreign intelligence purpose for so doing.

The Protect America Act had provided that the Attorney General approve minimization procedures, but it did not provide for court review of them. Our bill corrects that deficiency. The FISA Court will now have the responsibility to ensure that the procedures comply with the law.

Thirdly, our bill provides protections for U.S. citizens who are outside the United States. Under the Protect America Act, if a U.S. citizen sets foot outside the United States, he or she would be treated the same as any foreigner outside the United States.

The Intelligence Committee rejects the proposition that Americans lose rights—any kind of rights—because they travel or work elsewhere in the world. An essential part of the rights of an American is the determination by a judge whether there is probable cause to believe an American outside the United States is a lawful subject of surveillance by our own Government.

This is a concept which both committees—Democrats and Republicans alike—agreed to. Director of National Intelligence Mitch McConnell endorsed this change in law as well in testimony before the Intelligence Committee. There are, however, some differences in how to accomplish this. After considerable negotiation, I believe we have reached an agreement on a bipartisan amendment which would reconcile the approaches of the two committees and resolve the concerns of the administration over unintended consequences of the language reported out by both committees.

It is my hope, given the centrality of this reform to the work of both committees, that this bipartisan amendment is the first one before the Senate once cloture is invoked, if it is invoked and we are, therefore, then on the bill.

The fourth principal accomplishment of the Intelligence Committee bill is that it considerably enhances oversight of these protections by each branch of Government. This is achieved through a series of annual reports to Congress on the authorized collection, including instances of noncompliance; inspector general reviews by the Justice Department and the intelligence community; and FISA Court review and approval of acquisition and minimization procedures.

As we begin debate on these and other important issues, one of the concepts the Senate will hear a lot about is exclusivity. Exclusivity addresses the question of whether FISA and the laws that explicitly govern the domestic interception of communications for law enforcement purposes are the exclusive means by which the President may authorize the surveillance of Americans.

The President claims that he has the authority as Commander in Chief to approve surveillance even when he has no statutory authority to do so. No act of Congress by itself can finally resolve that debate between Presidential and congressional authority, but what Congress can make clear is which statutes authorize electronic surveillance.

The significance of this, in connection with our recent national experience, is that the Department of Justice has claimed that the authorization to use military force, passed in response to 9/11, somehow authorized the President to disregard FISA. Not only is this proposition dubious at best, in my opinion, it is also dangerous. In fact, the next time Congress is asked to act quickly in response to an attack, should there be one, it may pause and take time to consider whether its authorization to use force will have completely unintended consequences, such as authorizing the President unlimited power to violate acts of Congress.

To make sure authorizations for the use of military force do not again become an excuse to wipe away acts of Congress, both the Intelligence and Judiciary Committees sought to make even clearer than before which statutes constitute the exclusive means for conducting electronic surveillance.

I believe we have been able to work out language on an amendment that will reconcile the differences in these two bills.

The Intelligence Committee also establishes a 6-year sunset for the new authority it provides. A sunset is essential because we owe it to the American people to make sure we have gotten both parts of this system right—effective intelligence collection and the protection of the privacy of Americans—before settling on what should be permanent law. The Judiciary Committee amendment proposes a 4-year sunset. The House FISA bill provides for a 2-year sunset. The administration opposes any sunset. I will join with Chairman LEAHY in support of an amendment to incorporate the Judiciary Committee 4-year sunset into the underlying bill. Four years will ensure that a decision on permanency is made during the next Presidential term, not the one succeeding it.

Finally, title II of the committee's bipartisan bill addresses the question of protection for telecommunications companies that assisted the Government during the course of the President's warrantless surveillance program.

The Intelligence Committee carefully reviewed this matter of retroactive liability protection for companies prior to reporting out its bill. We received and reviewed the letters sent by the administration to the companies. These letters stated that the assistance of the companies was ''required,'' that the request was based on order of the President, and that the Attorney General had certified the form and legality of the order.

In the course of our investigation, the committee heard from the companies themselves as well as administration officials and many others and determined that the companies were not provided with any of the Justice Department legal opinions underlying the Attorney General's certifications they received ordering them to do something which has come to put them at risk.

In the end, a bipartisan consensus of the Intelligence Committee supported a narrowly drawn retroactive immunity provision. I want to stress the phrase ''narrowly drawn'' because what the committee approved was not—I repeat: was not—the broad and open-ended immunity sought by the administration.

The committee immunity provision applies only to companies that may have participated in the warrantless surveillance program from a specific period of time—from 9/11—until it was placed under FISA Court authorization in January 2007. Nothing in the bill provides immunity for Government officials for their actions—that is in the current law; it is not in the law that we have proposed—nor to companies outside the specified timeframe.

The 12 members of our committee who supported the provision did so for different reasons. Some Senators believed that the President acted within his constitutional responsibility and authority in establishing the surveillance program. Some other Senators, including me, believe the President trampled on our Constitution and our laws in unilaterally creating a warrantless surveillance program in 2001 and continuing it for years without seeking statutory authority to support it. But no matter what may be the views about the President's adherence to the law, our collective judgment on the Intelligence Committee is that the burden of the debate about the President's authority should not fall on telecommunications companies because they responded to the representations by Government officials at the highest levels that the program had been authorized by the President and determined to be lawful and received requests, compulsions to carry it out.

Companies participated at great risk of exposure and financial ruin for one reason, and one reason only: in order to help identify terrorists and prevent follow-on terrorist attacks. They should not be penalized for their willingness to heed the call during a time of national emergency.

I conclude by urging my colleagues to support cloture on the motion to proceed so that we can turn our attention to reconciling the fine work of the Intelligence and Judiciary committees and ultimately pass a FISA reform bill before adjournment.

Every one of us in the Senate and in Congress has a responsibility to correct the flaws in the Protect America Act and put our Nation on firmer footing in authorizing critical intelligence surveillance activities that are effective, while safeguarding the constitutional rights of Americans.

I thank the Acting President pro tempore, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, we yielded some time to the distinguished chairman from my side. How much time is remaining on this side?

The ACTING PRESIDENT pro tempore. There is 46 minutes remaining.

Mr. BOND. Forty-six. I thank the Chair.

Mr. President, first let me begin by thanking our majority leader, Senator REID, and our minority leader, Senator MCCONNELL, for bringing this very important bill to the Senate floor. It is critical that we discuss it, debate it, vote on it, and pass it. I express my great thanks to the chairman of the committee, Senator ROCKEFELLER, for his thoughtful discussion of the bill and his urgent request, in which I join, that all Members of this body move forward, adopt cloture, and adopt this bill. I wish to thank the chairman and all of the members of the committee and the staff of the Intelligence Committee who have labored long and hard

over many months, beginning well before the April request for legislation, to understand the program. I believe almost all of us have gone out to the NSA to see how the program works and to see what the protections are that are built in.

We have asked questions many times over. I think I have heard the same questions asked many times, and each time they are explained, I learn a little bit more. I think we have a good understanding—not a perfect understanding—of the process, but we do fully appreciate how important it is.

The bill before us today reflects a tremendous amount of work and compromise. The distinguished chairman and I and others have had disagreements. We view things a little bit differently. But I think it is significant for this body to realize we came together, the majority and the minority, in a 13-to-2 vote to present to this body a good compromise. Nobody is 100 percent happy with it. I don't expect them to be. But this is about as good as we can do in earthly matters, and particularly in congressional matters, if we can come that close, I think it is a good product.

Obviously, I have some disagreements with the chairman on the Protect America Act of which I was a principal sponsor. Because that bill was passed—had to be passed hurriedly before the August recess—what we were able to do in that bill was to restore the FISA process with a Foreign Intelligence Surveillance Court acting as it had originally been intended to act: to approve collections on U.S. persons in the United States. We changed the law so that technological changes would no longer bring within the FISA Court jurisdiction—or the FISA Court workload, more appropriately—collections on foreign targets where very often they were communicating with foreign recipients of messages. That was never the purpose and, as I indicated on the Senate floor, the FISA Court objected to the intelligence community having to be burdened by approving collections against targets where there was only minimal impact on any U.S. citizen.

The Protect America Act did fill in a critical national security intelligence gap. We all heard about it for a number of months. The intelligence community was shut out of the ability to go up on foreign targets which might have had vital information. Now, we have had time to consider all of the aspects of this collection program, and we have come up with a plan that will modernize the bill not only to make sure it keeps up with modern technology, but that it adds additional protections under the Foreign Intelligence Surveillance Act.

This morning, in a few minutes, we will hear from some of our colleagues about why they are not happy with the bill coming before us. I would venture that some individuals made the same speeches back in 1978 before the passage of that bill as well. But let me state the measure very plainly. The question is, Can the intelligence community of the United States obtain signals intelligence on foreign persons believed to be terrorists and reasonably believed to be outside of the United States, and do so in a manner that will protect us.

We know the electronic surveillance that was done under the President's program and under the current FISA Court jurisdiction has provided valuable intelligence which has helped to thwart attacks on the United States and, more importantly, as we heard from GEN Stan McCrystal, the commander of the Joint Special Operations Command, when the outmoded FISA law application shut down our ability to collect foreign intelligence, the people most greatly at risk were our men and women in the service overseas who did not have the benefit of collection of intelligence that might have foretold attacks on them. So our men and women volunteers defending America, protecting security in the world, were without the protection our technology enables us to collect at the same time they were fighting overseas, and this kind of information could have been a big help.

Well, the legislation we are looking at today contains far greater protections for U.S. persons than this body ever conceived of or was ever willing to grant Americans when it passed FISA 30 years ago. We have gone further than ever before in this bill in protecting Americans' privacy rights, and I am proud to be part of the process that is shoring up our national security while protecting to the greatest extent possible the liberties of all Americans.

The chairman is correct; we made many changes. We added many protections—important protections—that the Director of National Intelligence agreed were necessary additions to provide protections for Americans, U.S. persons that were not previously in the law. But I believe we can say today that Americans can feel safe and secure; that not only is their privacy being protected but their lives are being protected from terrorist attacks if we pass this bill which will modernize and extend FISA.

We have an urgent need to proceed to the Senate's consideration of the FISA amendments of 2007. Just last week, the Senate heard from our Director of National Intelligence, ADM Mike McConnell, and Attorney General Mike Mukasey in a closed briefing about the vital importance of this legislation to our intelligence collection efforts. This legislation will give the intelligence community the tools it needs today and in the future to protect our country.

The Protect America Act, passed in August by Congress, allowed the intelligence community temporarily to close critical intelligence gaps that were impeding the intelligence community's ability to protect our troops and to detect terrorist plots against our homeland. That temporary legislation expires in less than 2 months, and we must not let those dangerous gaps reopen. Two months may seem like a lot of time, but when it comes to this bill or when it comes to floor action in the Congress in both Houses and then a conference, it is a very short time period. Anybody who has watched this distinguished deliberative body and its counterpart on the other side work knows that 2 months sometimes can go in the flash of an eye.

The Senate will go out of session this week until mid-January, leaving only about 2 weeks for us to work out our differences with the House to get a bicameral bill sent to the President—one that he can sign into law before the current Protect America Act expires on February 5. I regret the majority did not let this important bill get to the floor sooner, particularly when we had the DNI on the Hill last March urging Congress to modernize FISA, giving us his template of legislation for FISA modernization in early April. But we are here in the last week before Christmas, and I hope we will not waste any time in passing the bill on the way to becoming law.

I sincerely hope we are not going to leave ourselves in the same uncomfortable position we found ourselves in this past August when the Senate's consideration of the Protect America Act had to be passed very quickly. Because the Senate waited from April until August to act, we found ourselves in a chaotic rush to pass a bill, and there were genuine fears in the intelligence community that a terrorist attack against the homeland might be in the works. If we had acted in a more timely manner, we would not have had some of the hard feelings we do today that resulted from that rushed process in August. That process produced a bill that continued FISA as it was originally intended but did not include the additional protections we have added today.

The good news, however, is that all of that is ancient history now because the product we have coming before us today is a thoroughly bipartisan Intelligence Committee bill that was put together in close coordination with the subject matter experts in the offices of both the Director of National Intelligence and the Department of Justice. I can assure my colleagues that all of the good ideas we have had—I have had and other members of the committee have had—when we have taken them to these experts, we have found out you have to do it this way if you want to accomplish the results you want. Some of the things we attempted to do had impossible burdens that we did not understand until we laid them out for these experts. They have told us how to accomplish our purposes and do so in a manner that would be effective in protecting the interests, and yet not destroy the ability of the intelligence community to collect the information we need.

So I implore my colleagues in the Senate to move as quickly as possible on this bill since its construction has been quite deliberate so that we do not repeat the history of the hasty manner in which we had to pass the Protect America Act. But that also means we must pass a good bill that will not get vetoed. We don't have time for that. It is always fun to posture and make political statements, but what is more important, we don't have to do that. The bill coming before the Senate out of the Intelligence Committee offers the legislation that gives the intelligence community the flexibility it needs to protect our troops and those of us in America, while protecting the privacy and civil liberties of Americans. With two small fixes that Chairman ROCKEFELLER and I intend to add to the bill in a manager's amendment, I have been assured that the President will sign that bill.

Now, let me comment a minute on exclusivity. We are working on an agreement on exclusivity that states to the greatest extent possible this will be the exclusive legislative means for the President to collect foreign intelligence. As one who used to be a student of the Constitution and still remembers a little bit of it, I have been impressed to read over the years how article 2 of the Constitution has been interpreted. Article 2 of the Constitution has been interpreted to say that the President—the President alone—has the power to collect foreign intelligence.

That power was used by Presidents going back in history. President Carter and President Clinton have used that bill to collect information. The FISA Court of Review has said, in the in re: Sealed Case, that the President's power to collect foreign intelligence remains. The President has put this bill under the FISA Court. So he has accepted the jurisdiction of the court in assessing the appropriateness of the collection means that have been requested.

We cannot erase by legislation a constitutional power. That constitutional power that the President has was fully laid out in the opinions and advice given by the Department of Justice and the intelligence community to any carriers that may have participated in the collection of information during the pendency of the President's terror surveillance program.

One other item I will comment on is the sunset. The provision we have in the bill—the 6-year sunset—is a compromise we reached. I don't believe a bill such as this should have a sunset. FISA did not have a sunset. It stayed in effect from 1978 until 2006. We should have reviewed it before. That is what we are in business for.

The Intelligence Committee of the Senate continues to hold hearings and have oversight of the intelligence community, and I would expect that if we see problems in the bill, we will move to correct them when we see them, not wait to a sunset. General Mukasey strongly opposed having any sunset on the bill, and I oppose lessening the sunset from 6 years. In fact, I prefer to see that sunset provision out of the bill.

To summarize, S. 2248, the bill passed out of the Intelligence Committee by a solid bipartisan vote of 13 to 2, on which I hope the Senate invokes cloture in a few minutes, will be the proper means of assuring the intelligence community can go forward with the vitally important collection of signals intelligence, while at the same time protecting the civil rights and privacy of all Americans and U.S. persons.

The bill is an extremely delicate arrangement of compromises that will fall apart if significant changes are made to it. By ''fall apart,'' what I really mean is it won't become law. We need a bill that Democrats and Republicans can support, that the DNI says will work for the intelligence community, and that the President will sign into law. That means the first principle we need to follow today is that the age-old advice that doctors and others use: ''do no harm,'' and not deconstruct what the Intelligence Committee has carefully crafted.

We don't have time for poison pill amendments or any other sort of political posturing. The Senate Intelligence Committee bill is a good one and needs to become law without further delay so our intelligence collectors and troops in harm's way will have the tools they need before the Protect America Act expires in February.

Mr. President, I urge my colleagues to vote with Chairman ROCKEFELLER and me to proceed to this bill.

I yield the floor and I reserve the remainder of my time.

What is the time remaining?

The PRESIDING OFFICER (Mr. CARDIN). There are 28 minutes.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first, let me say to my two good friends, Senators ROCKEFELLER and BOND, I appreciate the job they do serving as chairman and ranking member of the Senate Intelligence Committee. I commend them for their efforts in this matter.

Having said that, I reluctantly rise to urge my colleagues to vote against cloture on S. 2248, the FISA Amendment Act, and I will explain why.

Opposing cloture is essential, because there is no unanimous consent agreement in place providing for the immediate adoption of the Judiciary Committee substitute amendment.

As you know, the Judiciary substitute amendment, among other things, strikes title II of the Intelligence Committee bill—the title which seeks to provide retroactive immunity to telecommunications companies who are alleged to have violated their customers' privacy rights by turning over information to the government without warrants.

I am fully aware that the majority leader has various parliamentary options at his disposal to move this legislation forward. It is his right to attempt to invoke cloture.

But I regret that decision, and I hope that my colleagues will join me in stopping this legislation.

Mr. President, why do I feel so strongly about this matter?

For the last 6 years, our largest telecommunications companies have been spying on their own American customers.

Secretly and without a warrant, they delivered to the Federal Government the private, domestic communications records of millions of Americans—records this administration has compiled into a database of enormous scale and scope.

That decision betrayed millions of customers' trust. It was unwarranted—literally.

But was it illegal?

That, Mr. President, I don't know. And if this bill passes in its current form, we will never know. The President's favored corporations will be immune.

Their arguments will never be heard in a court of law. The details of their actions will stay hidden. The truth behind this unprecedented domestic spying will never see light. And the book on our Government's actions will be closed, and sealed, and locked, and handed over to the safekeeping of those few whom George Bush trusts to keep a secret.

The bill that the majority leader will seek to make the pending business of the Senate later today—the FISA Amendments Act of 2007—has a long and twisted history behind it. Its origins lie in President Bush's years of warrantless spying on Americans.

That abuse of power was exposed by the press in late 2005. The New York Times revealed that:

> Under a presidential order signed in 2002, the [National Security Agency] has monitored the international telephone calls and international e-mail messages of hundreds, perhaps thousands, of people inside the United States without warrants over the past three years.

In fact, we later learned that the President's warrantless spying was authorized as early as 2001.

Disgraced former Attorney General Alberto Gonzales, in a 2006 white paper, attempted to justify that spying; his argument rested on the specious claim that, in authorizing the President to go to war in Afghanistan, Congress had also somehow authorized him to listen in on phone calls in America.

But many of those who voted on the original authorization of force found this claim to new executive powers to be a laughable invention. Here's what former Majority Leader Tom Daschle wrote:

> As Senate majority leader . . . I helped negotiate that law with the White House counsel's office over two harried days. I can state categorically that the subject of warrantless wiretaps of American citizens never came up . . . I am also confident that the 98 senators who voted in favor of authorization of force against al-Qaida did not believe that they

were also voting for warrantless domestic surveillance.

Such claims to expanded executive power based on the authorization for military force have since been struck down by the courts.

In recent months, the administration has changed its argument, now grounding its warrantless surveillance power in the extremely nebulous ''authority of the President to defend the country'' that they find in the Constitution.

Of course, that begs the question: Exactly what doesn't fit under ''defending the country''? If we take the President at his word, we would concede to him nearly unlimited power, as long as he finds a lawyer willing to stuff his actions into that boundless category.

Rather than concede such power, Congress has worked to bring the President's surveillance program back where it belongs—under the rule of law.

At the same time, we have worked to modernize FISA and ease restrictions on terrorist surveillance. The Protect America Act, a bill attempting to respond to that two-pronged challenge, passed in August; but it is set to expire in February.

The bill now before us would create a legal regime for surveillance under reworked and more reasonable rules. But crucially, President Bush has demanded that this bill include full retroactive immunity for corporations complicit in domestic spying. In a speech on September 19, he stated that ''it's particularly important for Congress to provide meaningful liability protection to those companies.''

In October, he stiffened his demand, vowing to veto any bill that did not shield the telecom corporations. And this month, he resorted to shameful, misleading scare tactics, accusing Congress of failing ''to keep the American people safe.''

That month, the FISA Amendments Act came before the Senate Select Committee on Intelligence. Per the President's demand, it included full retroactive immunity for the telecom corporations. Senator NELSON introduced an amendment to strip that immunity, and instead allow the matter to be settled in the courts. It failed by a vote of 3 to 12.

But as it passed out of the Intelligence Committee, by a vote of 13 to 2, the bill still put corporations literally above the law and ensured that the extent of the President's invasions of privacy would remain a secret. I found retroactive immunity far beyond the pale, and I made my objections strongly and publicly.

But the bill also had to pass through the Judiciary Committee. There, Chairman PAT LEAHY succeeded in reporting out a bill without the egregious immunity provision. Over the years, PAT LEAHY has cemented his reputation as a champion of the rule of law; and I believe the stand he took last month will be honored for a long time to come.

However, I am still concerned that when Senator FEINGOLD proposed an amendment to strip immunity for good, it failed by a vote of 7 to 12.

So here we are—facing a final decision on whether the telecommunications companies will get off the hook for good. The President's allies are as intent as they ever were on making that happen. They want immunity back in this bill at all costs.

But what they are truly offering is secrecy in place of openness. Fiat in place of law.

And in place of the forthright argument and judicial deliberation that ought to be this country's pride, two simple words from our President's mouth: ''Trust me.''

I cannot speak for my colleagues—but I would never take that offer, not even in the best of times, not even from a perfect President. I would never take that offer because our Constitution tells us that the President's word is subject to the oversight of the Congress and the deliberation of the courts; and because I took an oath to defend the Constitution; and because I stand by my oath.

''Trust me.'' It is the offer to hide ourselves in the waiting arms of the rule of men. And in these threatened times, that offer has never seemed more seductive. The rule of law has rarely been so fragile.

''It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.'' James Madison, the father of our Constitution, made that prediction more than two centuries ago. With the passage of this bill, his words would be one step closer to coming true. So it has never been more essential that we lend our voices to the law, and speak on its behalf.

On its behalf, we say to President Bush that a Nation of truly free men and women would never take ''trust me'' for an answer, not even from a perfect President—and certainly not from this one.

In these times—under a President who seems every more day intent on acting as if he is the law, who grants himself the right to ignore legislation, who claims the power to spy without a warrant, to imprison without a hearing, to torture without a scruple—in these times, I would be a fool to take his offer.

But ''trust me,'' says President Bush. He means it literally. When he first asked Congress to make the telecoms' actions legally disappear, Congress had a reasonable question for him: Can we at least know exactly what we'd be immunizing? Can you at least tell us what we'd be cleaning up?

And the President refused to answer. Only he, his close advisors, and a handful of telecom executives know all of the facts. Congress is only asked to give token oversight. But if we are to do our constitutionally mandated job, we need more than token oversight; we need full hearings on the terrorist surveillance program before the Intelligence and Judiciary Committees.

Without that, we remain in the dark—and in the dark we're expected to grant the President's wish, because he knows best.

Does that sound familiar to any of my colleagues?

In 2002, we took the President's word and voted to go to war on faulty intelligence. What if we took his word again—and found, next year or the year after, that we had blindly legalized grave crimes?

If this disastrous war has taught us anything, it is that the Senate must never again stack such a momentous decision on such a weak foundation of fact. The decision we're asked to make today is not, of course, as immense. But between fact and decision, the disproportion is just as huge.

So I rise in determined opposition to this unprecedented immunity and all that it represents. I have served in this body for more than a quarter century. I have spoken from this desk hundreds and hundreds of times. I have rarely come to the floor with such anger.

But since I came to Washington, I have seen six Presidents sit in the White House—and I have never seen a contempt for the rule of law equal to this. Today, I have reached a breaking point. Today my disgust has found its limit.

I don't expect every one of my colleagues to share that disgust, or that limit. I wish they did—but had that been the case, we would never have come to this point.

I only ask them to believe me when I say if I did not speak today, my conscience would not let me rest.

The right to conscience is one of the Senate's most treasured allowances. It is perhaps this body's defining feature. The President has his dominating bully pulpit. Justice Robert Jackson famously wrote that ''in drama, magnitude and finality [the President's] decisions so far overshadow any others that almost alone he fills the public eye and ear. No other personality in public life can begin to compete with him in access to the public mind.''

But in this Chamber, a minority—even an impassioned minority of one—has the right to stand against all the combined weight and machinery of government and plead: ''Stop!'' Or at least: ''Wait.'' A minority can't stand forever, as surely as I can't speak forever. Ultimately, a minority has only one recourse—to make itself a majority. And I have faith that when the American people understand the full extent of this President's contempt for the law, they will share my outrage. This is a trusting and patient nation—and with more than two centuries of democratic tradition, rightly so. But that trust is not infinite; that patience is not endless; and after 7 years of this President, they are worn down to the nub.

If I didn't believe that, I wouldn't be standing here today. If the rule of law

were not my ruling passion, I wouldn't be standing here today. But I do, and it is.

''Law'' is a word we barely hear from the President and his allies. They offer neither a deliberation about America's difficult choices in the age of terrorism, nor a shared attempt to set for our times the excruciating balance between security and liberty.

They merely promise a false debate on a false choice: security or liberty, but never, ever both.

It speaks volumes about the President's estimation of the American people that he expects them to accept that choice. I think differently. I think that America's founding truth is unambiguous: security and liberty, one and inseparable, and never one without the other.

Secure in that truth, I offer a challenge to the President's allies: You want to put the President's favored corporations above the law. Could you please explain how your immunity makes any one of us any safer by an iota?

If security were truly the issue, this debate wouldn't be happening. An excellent balance between security and liberty has already been struck by FISA, a balance that has stood for three decades. In fact, FISA was written just to prevent a situation like ours from occurring: to protect Americans without countenancing executive lawbreaking.

In the wake of the Watergate scandal, the U.S. Senate convened the Church Committee, a panel of distinguished senators determined to shine light on executive abuses of power. The facts it uncovered were shocking:

Army spying on the civilian population; Federal dossiers on citizens' political activities; a CIA and FBI program that had opened hundreds of thousands of Americans' letters without warning or warrant.

The collective force of these revelations was undeniable: In their oversight duties, Congress and the courts had failed; they had unquestioningly accepted the executive's ''trust me''; and as a result, Americans had sustained a severe blow to their fourth amendment rights ''to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.''

The Senate could have panicked; it could have ended or drastically curtailed those searches altogether. But in its wisdom, the Senate understood that protecting the American people was not the problem; the problem was simply the Nixonian attitude that ''if the President does it, it's not illegal.''

The solution was to bring the executive's efforts to protect America under the watchful eye of Congress and the courts—to restore checks and balances to surveillance, and to give it the legitimacy it demands and deserves. America would not be America if such power remained concentrated in the hands of one man, or one branch of Government.

The Church Committee's final report, ''Intelligence Activities and the Rights of Americans,'' put the case eloquently:

> The critical question before the Committee was to determine how the fundamental liberties of the people can be maintained in the course of the Government's effort to protect their security. The delicate balance between these basic goals of our system of government is often difficult to strike, but it can, and must, be achieved.
>
> We reject the view that the traditional American principles of justice and fair play have no place in our struggle against the enemies of freedom. Moreover, our investigation has established that the targets of intelligence activity have ranged far beyond persons who could properly be characterized as enemies of freedom. . . .
>
> We have seen segments of our Government, in their attitudes and action, adopt tactics unworthy of a democracy, and occasionally reminiscent of the tactics of totalitarian regimes.
>
> We have seen a consistent pattern in which programs initiated with limited goals, such as preventing criminal violence or identifying foreign spies, were expanded to what witnesses characterized as ''vacuum cleaners,'' sweeping in information about lawful activities of American citizens.

The Senators of the Church Commission concluded:

> Unless new and tighter controls are established by legislation, domestic intelligence activities threaten to undermine our democratic society and fundamentally alter its nature.

What a strange echo we hear in those words. They could have been written yesterday. Three decades ago, our predecessors in this Chamber understood that when domestic spying goes too far, it threatens to kill just what it promises to protect—an America secure in its liberty. That lesson was crystal clear 30 years ago. Why is it so clouded now?

And before we entertain the argument that ''everything has changed'' since those words were written, remember: The men who wrote them had witnessed world war and Cold War, had seen Nazi and Soviet spying, and were living every day under the cloud of nuclear holocaust. How short some memories are.

The threats have multiplied and grown in complexity, but the lesson has been immutable: Warrantless spying threatens to undermine our democratic society, unless legislation brings it under control. In other words, the power to invade privacy must be used sparingly, guarded jealously, and shared equally between the branches of Government.

Or the case can be made pragmatically. As my friend Harold Koh, the dean of Yale Law School, recently argued:

> The engagement of all three branches tends to yield not just more thoughtful law, but a more broadly supported public policy.

Three decades ago, that broadly supported public policy—a prime outcome of the Church Committee—was the Foreign Intelligence Surveillance Act, or FISA. FISA confirmed the President's power to conduct surveillance of international conversations involving anyone in the United States, provided that the Federal FISA court issued a warrant—ensuring that wiretapping was aimed at safeguarding our security, and nothing else. To further protect intelligence gathering, that court was to work in secret.

Ironically, none other than the President's own Director of National Intelligence, Mike McConnell, explained the rationale in an interview this summer: The United States ''did not want to allow [the intelligence community] to conduct . . . electronic surveillance of Americans for foreign intelligence unless you had a warrant, so that was required.''

As originally written in 1978, and as amended nine times since, FISA has accomplished its mission; it has been a valuable tool for conducting surveillance of terrorists and those who would harm America. And every time Presidents have come to Congress openly to ask for more leeway under FISA, Congress has worked with them; Congress has compromised; and together, Congress and the President have struck a balance that safeguards America while doing its utmost to protect privacy.

This summer, Congress made a technical correction to FISA, enabling the President to wiretap, without a warrant, conversations between two foreign targets, even if those conversations are routed through American computers. Personally, I felt that this summer's legislation went too far, and I opposed it. But the point is that Congress once again proved its willingness to work with the President on FISA. Isn't that enough?

Just this October and November, as we have seen, the Senate Intelligence and Judiciary Committees worked with the President to further refine FISA and ensure that, in a true emergency, the FISA court would do nothing to slow down intelligence gathering. Isn't that enough?

And as for the FISA court, it has approved the President's wiretapping requests with impeccable consistency.

Between 1978 and 2004, according to the Washington Post, the FISA court approved 18,748 warrants and rejected five. The FISA court has sided with the executive 99.9 percent of the time. Isn't that enough?

Is anything lacking? Isn't the framework already in place? Isn't all of this enough to keep us safe?

We all know the President's answer. Given this complex, fine-tuned machinery, crafted over three decades by all three branches, what did he do? He ignored it.

Given a system primed to bless nearly any eavesdropping he could conceive—he conducted his own, illegally.

If the shock of that decision has yet to sink in, think of it this way: President Bush ignored not just a Federal court, but a secret Federal court; not just a secret Federal court, but a secret Federal court prepared to sign off on his actions 99.9 percent of the time. A

more compliant court has never been conceived. And still that wasn't good enough for our President.

So I will ask the Senate candidly, and candidly it already knows the answer: Is this about our security or is it about his power?

I ask that question not to change the subject, but because it is the key to understanding why this administration is pushing so hard for telecom immunity—that is, for secrecy. Richard Nixon, the same man who declared that ''if the president does it, it's not illegal,'' raised secrecy to an art form—because he understood that the surest way to amass power is to conceal its true extent.

Secrecy can spring from the best motives; but as it grows it begins to exist only for itself, only for its own sake, only to cover its own abuses.

The Senators of the Church Committee expressed succinctly the deep flaw in that form of Government: ''Abuse thrives on secrecy.''

Today, we have seen the executive branch pass to a new master of secrecy. Vice President CHENEY practices a secrecy so baroque that it could, in a less threatened time, be an object for laughter, instead of fear.

His unclassified papers? Stamped ''treat as TSSCI,'' one of the highest levels of state secret. The list of papers he has declassified? Classified. The members of his energy task force? None of your business. His location? Undisclosed. The names of his staff? Confidential. And tellingly, of course, the visitor log for his office? Shredded by the Secret Service.

When secrecy becomes this divorced from practicality, we are left with only one conclusion: For this executive branch, secrecy is power.

Of course, I don't mean any offense against our Vice President—as he reminds us, he is not part of the executive branch.

We see a pattern of secrecy stretching back to the first months of this administration. Its push for immunity is no different—secrecy is at its center.

And tellingly, the administration's original immunity proposal protected not just the telecoms, but everyone involved in the wiretapping program. In their original proposal, that is, they wanted to immunize themselves.

Think about that. It speaks to their fear and, perhaps, their guilt: their guilt that they had broken the law, and their fear that in the years to come, they would be found liable or convicted. They knew better than anyone else what they had done—they must have had good reason to be afraid!

Thankfully, executive immunity is not part of the bill before us. I am grateful for that. But the origin of immunity tells us a great deal about what's at stake here: This is, and always has been, a self-preservation bill.

Otherwise, why not have the trial and get it over with? If the President's allies believe what they say, the corporations would win in a walk.

After all, look at things from their perspective: In their telling, when our biggest telecom corporations helped the President spy without a warrant, they were doing their patriotic duty. When they listened to the executive branch and turned over private information, they were doing their patriotic duty.

When one company gave the NSA a secret eavesdropping room at its own corporate headquarters, it was simply doing its patriotic duty. The President asked, the telecoms answered.

Shouldn't that be an easy case to prove, Mr. President? The corporations only need to show a judge the authority and the assurances they were given, and they will be in and out of court in 5 minutes. If the telecoms are as defensible as the President says, why doesn't the President let them defend themselves? If the case is so easy to make, why doesn't he let them make it? Why is he standing in the way?

Our Federal court system has dealt for decades with the most delicate national security matters, building up expertise in protecting classified information behind closed doors—ex parte, in camera. We can expect no less in these cases. If we're worried about national security being threatened as a result, we can simply get the principals a security clearance.

No intelligence sources need be compromised. No state secrets need be exposed. And we can say so with increasing confidence, because after the extensive litigation that has already taken place at both the district court and circuit court level, no sensitive information has leaked out.

In fact, Federal District Court Judge Vaughn Walker, a Republican appointee, has already ruled that the issue can go to trial without putting state secrets in jeopardy. He reasonably pointed out that the existence of the President's surveillance program is hardly a secret at all: The government has already disclosed the general contours of the ''terrorist surveillance program,'' which requires the assistance of a telecommunications provider.

George Bush wouldn't be the first president to hide righteously behind the state secrets privilege. In fact, the privilege was tainted at its birth by a President of my own party, Harry Truman. In 1952, he successfully invoked the new privilege to prevent public exposure of a report on a plane crash that killed three Air Force contractors.

When the report was finally declassified—some 50 years later, decades after anyone in the Truman administration was within its reach—it contained no state secrets at all. Only facts about repeated maintenance failures that would have seriously embarrassed some important people. And so the state secrets privilege began its career not to protect our nation—but to protect the powerful.

In his opinion, Judge Walker argued that, even when it is reasonably grounded:

> The state secrets privilege [still] has its limits. While the court recognizes and respects the executive's constitutional duty to protect the nation from threats, the court also takes seriously its constitutional duty to adjudicate the disputes that come before it. To defer to a blanket assertion of secrecy here would be to abdicate that duty, particularly because the very subject matter of this litigation has been so publicly aired.
>
> The compromise between liberty and security remains a difficult one. But dismissing this case at the outset would sacrifice liberty for no apparent enhancement of security.

And that ought to be the epitaph for this Presidency: ''sacrificing liberty for no apparent enhancement of security.'' Worse than selling our soul—giving it away for free!

The President is equally wrong to claim that failing to grant this retroactive immunity will make the telecoms less likely to cooperate with surveillance in the future.

The truth is that, since the 1970s, FISA has compelled telecommunications companies to cooperate with surveillance, when it is warranted—and what's more, it immunizes them. It is done that for more than 25 years.

So cooperation in warranted wiretapping is not at stake today. Collusion in warrantless wiretapping is—and the warrant makes all the difference, because it is precisely the court's blessing that brings Presidential power under the rule of law.

In sum, we know that giving the telecoms their day in court—giving the American people their day in court—would not jeopardize an ounce of our security. And it could only expose one secret: the extent of our president's lawbreaking, and the extent of his corporations' complicity. That, our President will go to the mat to defend. That, he will keep from the light of a courtroom at all costs. That, his supporters would amend the law to protect.

And that is the choice at stake today: Will George Bush's secrets die with this Presidency? Or will they be open to the generations to come, to our successors in this Chamber, so that they can prepare themselves to defend against future outrages of power and usurpations of law from future Presidents, of either party?

I am here because I will not see those secrets go quietly into the good night with Donald Rumsfeld and Alberto Gonzales and DICK CHENEY and George Bush. I am here because the truth is not their private property—it belongs to every one of us, and it demands to be heard.

''State secrets,'' ''patriotic duty''—those, as weak as they are, are the arguments the president's allies use when they're feeling high-minded! When their thoughts turn baser, they make their arguments in dollar signs.

Here's how Mike McConnell put it:

> If you play out the suits at the value they're claimed, it would bankrupt these companies. So . . . we have to provide liability protection to these private sector entities.

Mike McConnell is quickly becoming an accidental truth-teller! Notice how

the President's own Director of National Intelligence concedes that if the cases went to trial, the telecoms would lose. I don't know if that's true, Mr. President—but we can thank Admiral McConnell for telling us how he really feels.

Of course, it is an exaggeration to claim that these companies would surely go bankrupt, even if they did lose.

We are talking about some of the wealthiest, most successful companies in America. Let me quote an article from Dow Jones MarketWatch. The date is October 23, 2007. The headline reads: ''AT&T's third-quarter profit rises 41.5 percent.''

AT&T Inc. on Tuesday said third-quarter earnings rose 41.5 percent, boosted by the acquisition of BellSouth and the addition of 2 million net wireless customers . . . Net income totaled $3.06 billion . . . compared with $2.17 billion . . . a year ago.

Note that AT&T has posted these record profits at a time of very public litigation.

A company with more than $3 billion in profits one quarter—only the most exorbitant and unlikely judgment could completely wipe it out. To assume that the telecoms would lose, and that their judges would then hand down such backbreaking penalties, is already to take several leaps.

The point, after all, has never been to financially cripple our telecommunications industry. The point is to bring checks and balances back to domestic spying. Setting that precedent would hardly require a crippling judgment.

It is much more troubling, though, that the Director of National Intelligence even feels the need to pronounce on ''liability protection for private sector entities.'' Since when were our spies in the business of economics? Since when did they put protecting AT&T or Verizon ahead of protecting the American people? Since when did the amount a defendant stands to lose have any bearing on whether a suit should go forward? I learned in law school that guilty was guilty—no matter how rich or how poor.

Lean on this logic, and you'll sink to its venal core: Certain corporations are too rich to be sued. Forget what they owe; forget what's just; forget judges setting the penalty. If there's even a chance of the judgment being high, throw the suit out—it endangers the Republic!

This administration has equated corporations' bottom lines with our Nation's security. Follow that reasoning honestly to its end, and you come to the conclusion: The larger the corporation, the more lawless it can be. If we accept Mr. McConnell's premises, we could conceive of a corporation so wealthy, so integral to our economy, that its riches place it outside the law altogether. And if the administration's thinking even admits that possibility, we know instinctively how flawed it is.

The truth is exactly the opposite: The larger the corporation, the greater the potential for abuse, and the more carefully it must be watched. Not that success should make a company suspect; companies grow large, and essential to our economy, because they are excellent at what they do. I simply mean that size and wealth open the realm of possibilities for abuse far beyond the scope of the individual.

Consider this. According to the Electronic Frontier Foundation,

Clear, first-hand whistleblower documentary evidence [states] . . . that for year on end every e-mail, every text message, and every phone call carried over the massive fiber-optic links of sixteen separate companies routed through AT&T's Internet hub in San Francisco—hundreds of millions of private, domestic communications—have been . . . copied in their entirety by AT&T and knowingly diverted wholesale by means of multiple ''splitters'' into a secret room controlled exclusively by the NSA.

If true, that constitutes one of the most massive violations of privacy in American history. And it would be inconceivable without the size and resources of an AT&T behind it—the same size that makes Mike McConnell fear the corporations' day in court.

If reasonable search and seizure means opening a drug dealer's apartment, the telecoms' alleged actions would be the equivalent of strip-searching everyone in the building, ransacking their bedrooms, and prying up all the floorboards. That is the massive scale we are talking about—and that massive scale is precisely why no corporation must be above the law.

On that scale, it is impossible to plead ignorance. As Judge Walker ruled:

AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

But the arguments of the President's allies sink even lower. Listen to the words a House Republican leader spoke on Fox News. They are shameful:

I believe that they deserve immunity from lawsuits out there from typical trial lawyers trying to find a way to get into the pockets of American companies.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Cindy Cohn is one of those ''trial lawyers.'' She is lead counsel at the Electronic Frontier Foundation, a small public-interest law firm bringing suit against the telecom corporations. And when she heard that Fox News claim about typical greedy trial lawyers, she laughed.

If he still thinks that we're rich plaintiffs' attorneys after he's visited our little tiny Mission Street offices, [she said,] then I have a bridge to sell him. Most of the EFF lawyers worked in those big fancy firms for big fancy salaries, and took big pay cuts to join us . . .

Young lawyers come to me and say, ''I really want to work for EFF—you have such great lawyers.''

I say: ''Take your current paycheck, rip it in three pieces, take any third, and that's about what you'll get working for EFF.'' The lawyers who work for EFF . . . are making far less than they could on the open market in exchange for being able to work in things they believe in every day.

Consider the hundreds of lawyers retained by the corporations in question, and their multimillion-dollar legal budgets, and the attempt to portray them as pitiable Davids is ludicrous. Sprint's lawyers recently settled an unrelated class-action lawsuit for $30 million. Three years ago, AT&T handled a settlement with shareholders for $100 million.

With those resources, I think they can give EFF's nine nonprofit lawyers in their little office on Mission Street a fair fight.

Mr. President, I don't presume to know how that fight will end. I don't presume to hand out innocence and guilt—that's not my job. Judges and juries do that. And in their search for the truth, the only job of this body is to get out of the way.

I am not invested in one verdict or another—only that a verdict is reached. I don't care who the truth favors—only that it comes out at all.

State secrets; future cooperation; economic harms; reputational damage; legal burdens—as we've seen, not a single one of the President's arguments for this immunity stands. Nothing tells us to halt the legal process, to bar the courthouse door. Everything tells us to open it.

Mr. President, perhaps when I leave this floor today, someone will ask me, ''Why are you so agitated about some telephone records? There's so much else to be worked up about!''

And I'll only be able to respond: ''Exactly.''

We have seen this administration chip away at the rule of law at a dozen points. Its relentlessness may be its greatest strength—the assault becomes numbing, and our healthy outrage grows dull. It was an outrage when this President set up secret courts outside the law. It was an outrage when he ignored the courts and tapped our phones. It was an outrage when he sanctioned torture. But outrage upon outrage upon outrage—and we wind up in a stupor. We have allowed each abuse with nothing more than a promise to resist the next one—and the next one, and the next one.

I am here, in the end, because the line has to be drawn somewhere. Why not here? Why not today?

So, Mr. President, I urge my colleagues to reject the motion on cloture. Let them come back, strip this language out on immunity, and give us a clean FISA bill. That is the only right thing to do. The law is here to protect all of us. We can have security and liberty.

As Benjamin Franklin said some 200 years ago:

Those who would sacrifice liberty for security deserve neither security nor liberty.

So I urge my colleagues to reject cloture, and then we can send the bill forward without that immunity provision.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield 13 minutes to the Senator from Pennsylvania, then 5 minutes to Senator SESSIONS, 5 minutes to Senator CHAMBLISS, and 5 minutes to Senator KYL. That would conclude the time on our side, and I think that will put us at a vote or it will consume the time on our side. So I unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Senator from Missouri for yielding me the time, and I wish to begin with the comment made by the Senator from Connecticut raising a question about the grant of retroactivity immunity. I believe that had that provision not been in the Senate bill, it would be a great deal easier to deal with, although there are some substantial problems with the bill as such, even in addition to the provision on retroactive immunity.

But I support the motion to invoke cloture because I believe it is necessary to deal with the fight against terrorism, and I think the Government has made a case for some expanded powers, although I think we have to weigh them very carefully—to fight terrorism but still protect civil liberties in this country.

I have a strong objection to the provision in the bill relating to retroactive immunity, and my objection goes to the point that the administration did not follow the provisions of law in notifying the Intelligence Committees of the House and Senate or the chairman and ranking member of the Judiciary Committees about this program. To come at a later date and seek retroactive immunity I think is inappropriate.

I found out about it when I was chairman of the Judiciary Committee last year, and I moved to subpoena the records of the telephone company, and then I moved to go into a closed session. While that was in process, Vice President CHENEY went to the members of the Judiciary Committee on the Republican side, without notifying me—which I thought was inappropriate—and thwarted the efforts I was making to find out what this program was all about.

I ask unanimous consent to have my letter to Vice President CHENEY dated June 7, and his reply to me dated June 8, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 2006.

Hon. RICHARD B. CHENEY,
The Vice President,
Washington, DC.

DEAR MR. VICE PRESIDENT: I am taking this unusual step in writing to you to establish a public record. It is neither pleasant nor easy to raise these issues with the Administration of my own party, but I do so because of their importance,

No one has been more supportive of a strong national defense and tough action against terrorism than I. However, the Administration's continuing position on the NSA electronic surveillance program rejects the historical constitutional practice of judicial approval of warrants before wiretapping and denigrates the constitutional authority and responsibility of the Congress and specifically the Judiciary Committee to conduct oversight on constitutional issues.

On March 16, 2006, I introduced legislation to authorize the Foreign Intelligence Surveillance Court to rule on the constitutionality of the Administration's electronic surveillance program. Expert witnesses, including four former judges of the FISA Court, supported the legislation as an effective way to preserve the secrecy of the program and protect civil rights. The FISA Court has an unblemished record for keeping secrets and it has the obvious expertise to rule on the issue. The FISA Court judges and other experts concluded that the legislation satisfied the case-in-controversy requirement and was not a prohibited advisory opinion. Notwithstanding my repeated efforts to get the Administration's position on this legislation, I have been unable to get any response, including a ''no''.

The Administration's obligation to provide sufficient information to the Judiciary Committee to allow the Committee to perform its constitutional oversight is not satisfied by the briefings to the Congressional Intelligence Committees. On that subject, it should be noted that this Administration, as well as previous Administrations, has failed to comply with the requirements of the National Security Act of 1947 to keep the House and Senate Intelligence Committees fully informed. That statute has been ignored for decades when Presidents have only informed the so-called ''Gang of Eight,'' the Leaders of both Houses and the Chairmen and Ranking on the Intelligence Committees. From my experience as a member of the ''Gang of Eight'' when I chaired the Intelligence Committee of the 104th Congress, even that group gets very little information. It was only in the face of pressure from the Senate Judiciary Committee that the Administration reluctantly informed subcommittees of the House and Senate Intelligence Committees and then agreed to inform the full Intelligence Committee members in order to get General Hayden confirmed.

When there were public disclosures about the telephone companies turning over millions of customer records involving allegedly billions of telephone calls, the Judiciary Committee scheduled a hearing of the chief executive officers of the four telephone companies involved. When some of the companies requested subpoenas so they would not be volunteers, we responded that we would honor that request. Later, the companies indicated that if the hearing were closed to the public, they would not need subpoenas.

I then sought Committee approval, which is necessary under our rules, to have a closed session to protect the confidentiality of any classified information and scheduled a Judiciary Committee Executive Session for 2:30 P.M. yesterday to get that approval.

I was advised yesterday that you had called Republican members of the Judiciary Committee lobbying them to oppose any Judiciary Committee hearing, even a closed one, with the telephone companies. I was further advised that you told those Republican members that the telephone companies had been instructed not to provide any information to the Committee as they were prohibited from disclosing classified information.

I was surprised, to say the least, that you sought to influence, really determine, the action of the Committee without calling me first, or at least calling me at some point. This was especially perplexing since we both attended the Republican Senators caucus lunch yesterday and I walked directly in front of you on at least two occasions enroute from the buffet to my table.

At the request of Republican Committee members, I scheduled a Republican members meeting at 2:00 P.M. yesterday in advance of the 2:30 P.M. full Committee meeting. At that time, I announced my plan to proceed with the hearing and to invite the chief executive officers of the telephone companies who would not be subject to the embarrassment of being subpoenaed because that was no longer needed. I emphasized my preference to have a closed hearing providing a majority of the Committee agreed.

Senator Hatch then urged me to defer action on the telephone companies hearing, saying that he would get Administration support for my bill which he had long supported. In the context of the doubt as to whether there were the votes necessary for a closed hearing or to proceed in any manner as to the telephone companies, I agreed to Senator Hatch's proposal for a brief delay on the telephone companies hearing to give him an opportunity to secure the Administration's approval of the bill which he thought could be done. When I announced this course of action at the full Committee Executive Session, there was a very contentious discussion which is available on the public record.

It has been my hope that there could be an accommodation between Congress's Article I authority on oversight and the President's constitutional authority under Article II. There is no doubt that the NSA program violates the Foreign Intelligence Surveillance Act which sets forth the exclusive procedure for domestic wiretaps which requires the approval of the FISA Court. It may be that the President has inherent authority under Article II to trump that statute but the President does not have a blank check and the determination on whether the President has such Article II power calls for a balancing test which requires knowing what the surveillance program constitutes.

If an accommodation cannot be reached with the Administration, the Judiciary Committee will consider confronting the issue with subpoenas and enforcement of that compulsory process if it appears that a majority vote will be forthcoming. The Committee would obviously have a much easier time making our case for enforcement of subpoenas against the telephone companies which do not have the plea of executive privilege. That may ultimately be the course of least resistance.

We press this issue in the context of repeated stances by the Administration on expansion of Article II power, frequently at the expense of Congress's Article I authority. There are the Presidential signing statements where the President seeks to cherry-pick which parts of the statute he will follow. There has been the refusal of the Department of Justice to provide the necessary clearances to permit its Office of Professional Responsibility to determine the propriety of the legal advice given by the Department of Justice on the electronic surveillance program. There is the recent Executive Branch search and seizure of Congressman Jefferson's office. There are recent and repeated assertions by the Department of Justice that it has the authority to criminally prosecute newspapers and reporters under highly questionable criminal statutes.

All of this is occurring in the context where the Administration is continuing

warrantless wiretaps in violation of the Foreign Intelligence Surveillance Act and is preventing the Senate Judiciary Committee from carrying out its constitutional responsibility for Congressional oversight on constitutional issues. I am available to try to work this out with the Administration without the necessity of a constitutional confrontation between Congress and the President.

Sincerely,

ARLEN SPECTER.

THE VICE PRESIDENT,
Washington, June 8, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of June 7, 2006 concerning the Terrorist Surveillance Program (TSP) the Administration has described. The commitment in your letter to work with the Administration in a non-confrontational manner is most welcome and will, of course, be reciprocated.

As recently as Tuesday of this week, I reiterated that, as the Administration has said before, while there is no need for any legislation to carry out the Terrorist Surveillance Program, the Administration will listen to the ideas of legislators about terrorist surveillance legislation and work with them in good faith. Needless to say, that includes you, Senator DeWine and others who have ideas for such legislation. The President ultimately will have to make a decision whether any particular legislation would strengthen the ability of the Government to protect Americans against terrorists, while protecting the rights of Americans, but we believe the Congress and the Administration working together can produce legislation to achieve that objective, if that is the will of the Congress.

Having served in the executive branch as chief of staff for one President and as Secretary of Defense for another, having served in the legislative branch as a Representative from Wyoming for a decade, and serving now in a unique position under the Constitution with both executive functions and legislative functions, I fully understand and respect the separate constitutional roles of the Congress and the Presidency. Under our constitutional separation between the legislative powers granted to Congress and the executive power vested exclusively in the Presidency, differences of view may occur from time to time between the branches, but the Government generally functions best when the legislative branch and the executive branch work together. And I believe that both branches agree that they should work together as Congress decides whether and how to pursue further terrorist surveillance legislation

Your letter addressed four basic subjects: (1) the legal basis for the TSP; (2) the Administration position on legislation prepared by you relating to the TSP; (3) provision of information to Congress about the TSP; and (4) communications with Senators on the Judiciary Committee about the TSP.

The executive branch has conducted the TSP, from its inception on October 4, 2001 to the present, with great care to operate within the law, with approval as to legality of Presidential authorizations every 45 days or so by senior Government attorneys. The Department of Justice has set forth in detail in writing the constitutional and statutory bases, and related judicial precedents, for warrantless electronic surveillance under the TSP to protect against terrorism, and that information has been made available to your Committee and to the public.

Your letter indicated that you have repeatedly requested an Administration position on legislation prepared by you relating to the TSP program. If you would like a formal Administration position on draft legislation, you may at any time submit it to the Attorney General, the Director of National Intelligence, or the Director of the Office of Management and Budget (OMB) for processing, which will produce a formal Administration position. Before you do so, however, it might be more productive for executive branch experts to meet with you, and perhaps Senator DEWINE or other Senators as appropriate, to review the various bills that have been introduced and to share the Administration's thoughts on terrorist surveillance legislation. Attorney General Alberto R. Gonzales and Acting Assistant Attorney General for the Office of Legal Counsel Steven G. Bradbury are key experts upon whom the executive branch would rely for this purpose. I will ask them to contact you promptly so that the cooperative effort can proceed apace.

Since the earliest days of the TSP, the executive branch has ensured that, consistent with the protection of the sensitive intelligence sources, methods and activities involved, appropriate members of Congress were briefed periodically on the program. The executive branch kept principally the chairman and ranking members of the congressional intelligence committees informed and later included the congressional leadership. Today, the full membership of both the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (including four Senators on that Committee who also serve on your Judiciary Committee) are fully briefed on the program. As a matter of inter-branch comity and good executive-legislative practice, and recognizing the vital importance of protecting U.S. intelligence sources, methods and activities, we believe that the country as a whole, and the Senate and the House respectively, are best served by concentrating the congressional handling of intelligence matters within the intelligence committees of the Congress. The internal organization of the two Houses is, of course, a matter for the respective Houses. Recognizing the wisdom of the concentration within the intelligence committees, the rules of the Senate (S. Res. 400 of the 94th Congress) and the House (Rule X, cl. 11) creating the intelligence committees mandated that the intelligence committees have cross-over members who also serve on the judiciary, foreign/international relations, armed services, and appropriations committees.

Both in performing the legislative functions of the Vice Presidency as President of the Senate and in performing executive functions in support of the President, I have frequent contact with Senators, both at their initiative and mine. We have found such contacts helpful in maintaining good relations between the executive and legislative branch es and in advancing legislation that serves the interests of the American people. The respectful and candid exchange of views is something to be encouraged rather than avoided. Indeed, recognizing the importance of such communication, the first step the Administration took, when it learned that you might pursue use of compulsory process in an attempt to force testimony that may involve extremely sensitive classified information, was to have one of the Administration's most senior officials, the Chief of Staff to the President of the United States, contact you to discuss the matter. Thereafter, I spoke with a number of other Members of the Senate Leadership and the Judiciary Committee. These communications are not unusual—they are the Government at work.

While there may continue to be areas of disagreement from time to time, we should proceed in a practical way to build on the areas of agreement. I believe that other Senators and you, working with the executive branch, can find the way forward to enactment of legislation that would strengthen the ability of the Government to protect Americans against terrorists, while continuing to protect the rights of Americans, if it is the judgment of Congress that such legislation should be enacted. We look forward to working with you, knowing of the good faith on all sides.

Sincerely,

DICK CHENEY.

Mr. SPECTER. The telephone companies, I do believe, have acted as good citizens. I would not want to see them pay damages because they were responding to a governmental request. So my idea, in order to strike a balance between the Senate bill which grants retroactive immunity and the House bill which leaves it out, would be instead to provide for the Government to be substituted as a party for telephone companies.

Toward that end, I have introduced S. 2402, which was considered by the Judiciary Committee last week and did not pass, on a vote of 13 to 5. Since that time, I have heard from other Senators that they think it is a good idea. I believe it has to be explored and will be explored because I will offer it as an amendment to this bill as soon as I have an opportunity to do so.

What my idea does, essentially, is to substitute the Federal Government as the party defendant for the telephone companies in the cases which have been initiated. The Government would stand in the shoes of the telephone companies, with no more and no less defenses available. For example, governmental immunity would not be available as a defense to the Government because obviously the telephone companies do not have governmental immunity.

The telephone companies, I think, or the defendants in these cases are highly unlikely to pay damages. But I believe it is very important that the courts not be foreclosed from making a judicial determination on the issues which are involved. Part of the concern I have is that the Government is now coming forward to try to have retroactive immunity, to absolve them from any potential wrongdoing in the past. I do not know whether there is wrongdoing, but I do not believe that it is appropriate for the Federal Government to act secretly, surreptitiously, not tell the intelligence committees as required by law, not tell the chairman and ranking member of the Judiciary Committee, and then come back at a later date and say: Please exonerate us. If we give that kind of a blank check, carte blanche to the executive officials, it would be a terrible, devastating precedent for the future.

I believe it is necessary for the judicial actions to run their course. Again, let me say I think it is highly questionable that any of the plaintiffs will succeed. The defense of state secrets has been interposed in the cases against

the telephone companies. Similarly, the Government would have that defense if it were substituted in their stead.

But the fact is that the Congress has not been successful in conducting oversight of the Federal Government. The terrorist surveillance program was in existence from October of 2001 until December of 2005, before the Congress ever found out about it. Then we didn't find out about it as a result of our oversight activities; we found out about it because it was disclosed in a New York Times story.

I remember the morning well. I was managing the PATRIOT Act re-authorization, to try the give the U.S. Government adequate powers to fight terrorism. Right in the middle of the final day of our consideration, the story broke about the secret terrorist surveillance program, and the comment was made on the floor of the Senate by one Senator that he was prepared to vote for the PATRIOT Act but not after he found out about the terrorist surveillance program.

The Federal Government did not notify the Intelligence Committees as required by law until well after the New York Times article. Then they notified the Intelligence Committees only because they felt compelled to do so in order to get General Hayden confirmed.

There is a long list of efforts by congressional oversight which have been insufficient: the signing statements in which the President has cherry-picked, taking provisions he likes and excluding provisions he doesn't like. Senator MCCAIN and the President personally negotiated the question of interrogation in the Detainee Treatment Act. There was language put in, on a 90-to-9 vote, limiting interrogation practices. Then, when the President signed the bill, he made an exclusion, saying that his constitutional authority under article II would enable him to ignore some of those provisions.

Similarly, on the PATRIOT Act reauthorization, we negotiated certain oversight, and then the President issued a signing statement again saying there were some items which he would feel free to disregard on the oversight provisions.

On habeas corpus and detention, the Congress has been totally ineffective at any oversight; it is only the Supreme Court of the United States in Rasul and in a case now pending, Boumediene, argued recently in the Supreme Court. So the judicial oversight on checks and balances and on separation of powers, I believe, is indispensable.

We have within the past few days another instance of executive resistance to congressional oversight. Senator LEAHY and I wrote to the Attorney General recently—a week ago today—inquiring about the destruction of the tapes by the CIA. The Attorney General responded last week, on December 14, denying our request for information.

I ask unanimous consent to have the Attorney General's letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC., December 14, 2007.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR SPECTER: Thank you for your letter of December 10, 2007, regarding your concerns about the reported destruction by the Central Intelligence Agency (CIA) of videotapes showing interrogations of detainees and the Department's review of this matter.

As you note, the Department's National Security Division is conducting a preliminary inquiry in conjunction with the CIA's Office of Inspector General. Enclosed please find a letter from Assistant Attorney General Kenneth L. Wainstein to CIA Acting General Counsel John A. Rizzo, which provides some further detail regarding this inquiry, and which was released to the public on December 8.

As to your remaining questions, the Department has a longstanding policy of declining to provide non-public information about pending matters. This policy is based in part on our interest in avoiding any perception that our law enforcement decisions are subject to political influence. Accordingly, I will not at this time provide further information in response to your letter, but appreciate the Committee's interests in this matter. At my confirmation hearing, I testified that I would act independently, resist political pressure and ensure that politics plays no role in cases brought by the Department of Justice. Consistent with that testimony, the facts will be followed wherever they lead in this inquiry, and the relevant law applied.

Finally, with regard to the suggestion that I appoint a special counsel, I am aware of no facts at present to suggest that Department attorneys cannot conduct this inquiry in an impartial manner. If I become aware of information that leads me to a different conclusion, I will act on it.

I hope that this information is helpful.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.

DEPARTMENT OF JUSTICE,
NATIONAL SECURITY DIVISION,
Washington, DC., December 8, 2007.

JOHN A. RIZZO,
Acting General Counsel, Central Intelligence Agency, Washington, DC.

DEAR MR. RIZZO: I am writing this letter to confirm our discussions over the past several days regarding the destruction of videotapes of interrogations conducted by the Central Intelligence Agency (CIA). Consistent with these discussions, the Department of Justice will conduct a preliminary inquiry into the facts to determine whether further investigation is warranted. I understand that you have undertaken to preserve any records or other documentation that would facilitate this inquiry. The Department will conduct this inquiry in conjunction with the CIA's Office of Inspector General (OIG).

My colleagues and I would like to meet with your Office and OIG early next week regarding this inquiry. Based on our recent discussions, I understand that your Office has already reviewed the circumstances surrounding the destruction of the videotapes, as well as the existence of any pending relevant investigations or other preservation obligations at the time the destruction occurred. As a first step in our inquiry, I ask that you provide us the substance of that review at the meeting.

Thank you for your cooperation with the Department in this matter. Please feel free to contact me if you have any questions.

Sincerely,

KENNETH L. WAINSTEIN,
Assistant Attorney General,
National Security Division.

Mr. SPECTER. It surprised me that the Attorney General would say that in light of his very recent statements made during the confirmation hearings. ''If confirmed, I will review Department of Justice policies with a goal of ensuring that Congress is able to carry out meaningful oversight.''

When I talked to Judge Mukasey in advance of the confirmation hearings and gave him a copy of the letter which I had sent to Attorney General Gonzales, Judge Mukasey agreed with the standards established by the Congressional Research Service, saying that these are within the bounds of congressional authority on oversight.

[A] review of congressional investigations that have implicated DOJ, or DOJ investigations over the past 70 years, from the Palmer Raids and Teapot Dome to Watergate, and through Iran Contra and Rocky Flats, demonstrates that the Department of Justice has consistently been obliged to submit to congressional oversight. . . .

Including:

. . . testimony of subordinate DOJ employees, such as line attorneys and FBI field agents, was taken. . . .

Again:

In all instances, investigating committees were provided with documents respecting open or closed cases.

So here is another example of congressional oversight being thwarted, so that when you have a challenge to what has been done by the telephone companies here and you have litigation in progress, I believe it to be most inappropriate for the Congress to intercede and grant immunity retroactively.

I believe our Federal investigative agencies need very substantial powers in the fight against terrorism. I have discussed the issue with Director of National Intelligence McConnell about granting the Government authority to acquire the cooperation of the telephone companies prospectively. I am waiting for a briefing on the issue, to understand the full import of what it is that the Director of National Intelligence wants. I am open to granting those powers prospectively, but I do not believe, in the context of what has happened here, that it would be advisable to retroactively give these officials a blank check when they kept these matters secret from the oversight committees, and when the Judiciary Committee sought to have subpoenas to find out about it, and we were thwarted in that effort, as disclosed by the exchange of letters between the Vice President and myself, made a part of the record.

I note my time has expired. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Alabama.

Mr. SESSIONS. Mr. President, Senator FEINGOLD may have been next, and I see he has returned. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Alabama for his courtesy.

Mr. President, I oppose cloture on the motion to proceed to S. 2248, as reported by the Senate Intelligence Committee. This bill is deeply flawed, and I am very disappointed by the decision to take it up on the Senate floor rather than the better bill reported by the Judiciary Committee.

Before leaving town for the August recess, Congress bowed to pressure from the administration, and vastly expanded the Government's ability to eavesdrop without a court-approved warrant. That legislation, the so-called Protect America Act, was rushed through this Chamber in a climate of fear—fear of terrorist attacks, and fear of not appearing sufficiently strong on national security. There was very little understanding of what the legislation actually did.

But there was one silver lining: The bill had a 6-month sunset to force Congress to do its homework and reconsider the approach it took.

The Senate should be taking this opportunity to fix its mistakes and pass a new bill that gives the Government all the tools it needs to spy on suspected terrorists but also protects Americans' basic freedoms. This time around, the Senate should stand up to an Administration that time and again has employed fear-mongering and misleading statements to intimidate Congress.

The fact is, the Intelligence Committee bill doesn't fix those mistakes, and it is not the bill we should be considering on the Senate floor.

I do agree with the administration on one point—Congress should make clear that when foreign terrorists are communicating with each other overseas, the U.S. Government doesn't need a warrant to listen in, even if the collection activity ends up taking place in this country because of the way modern communications are routed. Unfortunately, both the Protect America Act and the bill approved by the Senate Intelligence Committee go far beyond fixing that problem and also authorize widespread surveillance involving Americans—at home and abroad.

The bill we should be considering is the Judiciary Committee bill, which 14 Senators urged the majority leader to take up, in a letter last week.

The Judiciary Committee bill made critical improvements to ensure independent judicial oversight of these sweeping new powers and to better protect innocent Americans. The Judiciary bill does not contain a new form of retroactive immunity for companies that allegedly cooperated with an illegal wiretapping program that lasted for more than 5 years. And, while the Intelligence Committee bill was drafted and debated behind closed doors and in close consultation with the administration, the Judiciary bill was the product of an open process with the input of experts from a variety of perspectives.

The Judiciary Committee bill is not perfect. It needs further improvement. But it would be a vastly better starting point for Senate consideration than the bill that the majority leader has brought to the floor, which simply gives the administration everything it was demanding, no questions asked.

The stakes are high. I want my colleagues to understand the impact that the Protect America Act and the Intelligence Committee bill could have on the privacy of Americans. These bills do not just authorize the 6 unfettered surveillance of people outside the United States communicating with each other. They also permit the Government to acquire those foreigners' communications with Americans inside the United States, regardless of whether anyone involved in the communication is under any suspicion of wrongdoing.

There is no requirement that the foreign targets of this surveillance be terrorists, spies or other types of criminals. The only requirements are that the foreigners are outside the country, and that the purpose is to obtain foreign intelligence information, a term that has an extremely broad definition.

There is no requirement that the foreign targets of this surveillance be terrorists, spies, or any other kind of criminal. The only requirements are that foreigners are outside the country, that the purpose is to obtain foreign intelligence information, a term that has an extremely broad definition.

No court reviews these targets individually. Only the executive branch decides who fits these criteria. The result is that many law-abiding Americans who communicate with completely innocent people overseas will be swept up in this new form of surveillance, with virtually no judicial involvement.

Even the administration's illegal warrantless wiretapping program, as described when it was publicly confirmed in 2005, at least focused on particular terrorists. What we are talking about now is a huge dragnet that will sweep up innocent Americans.

In America, we understand that if we happen to be talking to a criminal or terrorist suspect, our conversations might be heard by the Government. But I do not think many Americans expect the Government to be able to listen into every single one of their international communications with people about whom there are no suspicions whatsoever.

These incredibly broad authorities are particularly troubling because we live in a world in which international communications are increasingly commonplace. Thirty years ago, it was very expensive, and not common, for many Americans to make an overseas call. But now, particularly with e-mail, such communications are commonplace. Millions of ordinary, and innocent, Americans communicate with people overseas for entirely legitimate personal and business reasons.

Parents of children call family members overseas. Students e-mail friends they have met while studying abroad. Businesspeople communicate with colleagues or clients overseas. Technological advancements combined with the ever interconnected world economy have led to an explosion of international contacts.

We often hear from those who want to give the Government new powers that we just have to bring FISA up to date with new technology. But changes in technology should also cause us to take a look at the greater need for the privacy of our citizens.

We are going to give the Government broad new powers that will lead to the collection of much more information on innocent Americans. We have a duty to protect their privacy as much as we possibly can, and we can do that. We can do that, as the Senator from Connecticut said, without sacrificing our ability to collect information that will protect our national security.

To take one example, a critical difference between the Intelligence and Judiciary bills is the role of the court. The Judiciary bill gives the secret FISA Court new authority to operate as an independent check on the executive branch.

It gives the court authority to assess the Government's compliance to wiretapping procedures, to place limits on the use of information that was acquired through unlawful procedures, and then gives the court, as most courts should have, the ability to enforce its own orders.

The Judiciary bill also does a better job of protecting Americans from widespread warrantless wiretapping. It prohibits so-called bulk collection. What is that? Vacuuming up basically all the communications between the United States and overseas, which the DNI admitted is legal under the PAA. And it ensures that if the Government is wiretapping a foreigner overseas in order to really collect the communications of the American with whom that foreign target is communicating, what is called reverse targeting, well, in that case it has to get a court order on that American. Well, none of these changes hinders the Government's ability to protect national security.

The process by which the Judiciary Committee considered, drafted, amended, and reported out its bill was an open one, allowing outside experts and the public at large the opportunity to review and comment. With regard to legislation so directly connected to the constitutional rights of Americans, I think the result of this open process

should be accorded great weight, especially in light of the Judiciary Committee's unique role and expertise in protecting those rights.

Now, I am certain that over the course of this week we will hear a number of arguments about why the Judiciary bill will hamper the fight against terrorism. Well, let me say now to my colleagues: Do not believe everything you hear. Last week I sat with many of you in the secure room in the Capitol and listened to arguments made by the Director of National Intelligence and by our Attorney General.

I can tell you with absolute certainty that several of the examples they gave were simply wrong, simply false. I am happy to have a classified meeting with anyone in this body who wishes to discuss that. This is not about whether we will be effective in combating terrorism. Both bills allow that. This is about whether the court should have an independent oversight role and whether Americans deserve more privacy protections than foreigners overseas. All of this should sound familiar to those who followed previous debates about fighting terrorism while protecting American's civil liberties in the post-9/11 world.

The administration says—and again, following on what the Senator from Connecticut said—the administration basically says: Trust us. We do not need judicial oversight. The court will just get in our way. You never know when they might tell us what we are doing is unconstitutional. We would prefer to make that decision on our own.

Time and again, that has proved to be a foolish and counterproductive attitude, and sadly, despite the objections of many of us in this Chamber, too many times, Congress has just gone along. We do not have to make that same mistake again. In this case we have a factual record to help us evaluate whether we should simply trust the administration or whether we should write protections into the law.

The Protect America Act has only been in effect for 4½ months, and we are still missing key information about it. The Intelligence Committee has recently been provided some basic information about its implementation. Based on what I have learned, I have very serious questions about the way the administration is interpreting and implementing the Protect America Act, including its effect on the privacy of Americans.

I will shortly be sending the Director of National Intelligence a classified letter detailing my concerns which are directly relevant to the legislation we are considering. I regret this information is classified, so I cannot discuss it here. I regret that more of my colleagues have not been privy to this information prior to this floor debate, but I would be happy to share a copy of my letter in an appropriate classified setting with any Senator who wishes to review it.

I have been speaking for some time now about my strong opposition to the Intelligence Committee bill, and I have not even addressed one of the more outrageous elements of the bill: the granting of retroactive immunity to companies that allegedly participated in an illegal wiretapping program that lasted for more than 5 years.

This grant of automatic immunity is simply unjustified. There is already an immunity provision in current law that has been there since FISA was negotiated in the late 1970s, with the participation of the telecommunications industry.

The law is clear. Companies already have immunity from civil liability when they cooperate with a Government request for assistance, as long as they receive a court order or the Attorney General certifies that a court order is not required and all statutory requirements have been met.

So this is not about whether the companies had good intentions or acted in good faith; it is about whether they complied with this statutory immunity provision, which has applied for 30 years. If the companies follow that law, they should get immunity. If they did not follow that law, they should not get immunity. A court should make that decision, not Congress. It is that simple.

Congress passed a law laying out when telecom companies get immunity and when they do not for a reason. Those companies have access to our most private communications, so Congress has correctly subjected them to very precise rules about when they can provide that information to the Government. If the companies did not follow the law Congress passed, they should not be granted a ''get out of jail free'' card after the fact.

We have heard a lot of arguments about needing technical cooperation of carriers in the future. We do need that cooperation, but we also need to make sure carriers do not cooperate with illegitimate requests. We already have a law that tells companies when they should and when they should not cooperate, so they are not placed in the position of having to somehow independently evaluate whether the Government's request for help is legitimate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FEINGOLD. Mr. President, I ask unanimous consent for 3 additional minutes.

Mr. SESSIONS. Mr. President, reserving the right to object, is the Senator's request for 3 additional minutes on each side?

Mr. FEINGOLD. I would not object to that.

The PRESIDING OFFICER. Without objection, 3 minutes will be added to each side.

Mr. FEINGOLD. Instead of allowing the courts to apply that law to the facts, instead of allowing judges to decide whether the companies deserve immunity for acting appropriately, the Intelligence Committee bill sends the message that companies need not worry, they do not have to worry about complying with questionable Government requests in the future, because they will be bailed out. This is outrageous. Even more outrageous is the fact that if these lawsuits are dismissed, the courts may never rule on the NSA wiretapping program.

So what this is is an ideal outcome for an administration that believes it should be able to interpret laws on its own without worrying about how Congress wrote them or what a judge thinks. For those of us who believe in three independent and coequal branches of Government, this is a disaster.

For all of these reasons, I oppose closure on the motion to proceed to the Intelligence Committee bill. I fear we are about to make the same mistake we made with the PATRIOT Act. We passed that law without taking the time to consider its implications, and we did not do enough during the reauthorization process to fix it. As a result, three Federal courts have struck down provisions of the PATRIOT Act as unconstitutional, and that is right back where we are going to end up if we do not do our jobs now and fix the Protect America Act.

I urge my colleagues to vote no on cloture.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I believe the last unanimous consent agreement was that there would be 5 minutes for Senators KYL, CHAMBLISS, and myself. We have added 3 minutes to that. I ask unanimous consent that we each have 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I appreciate my colleague, Senator FEINGOLD, and his passionate argument, but I am going to tell my colleagues that this Congress and this Government of the United States are capable of overreacting. We are capable of getting excited about an issue and taking theoretical positions that end up, as a practical matter, leaving our country at greater risk. This is not just an item of discussion; it is very real.

I would point out to my colleagues that we have made two dramatic errors some years ago in a situation just like this, on emotion driven by our civil libertarian friends, such that a wall was put up between the FBI and the CIA which barred the sharing of information between those two critical agencies.

We also mandated that the Central Intelligence Agency officers could not obtain information from people deemed to be dangerous. Bad people. How do you get information in the world and protect America and our legitimate national interests without sources? Those became laws.

And what happened after we were attacked on 9/11? Both those rules that we imposed on our military intelligence agencies were deemed to be bogus, wrong, and mistaken, colossally so. Many Members of this body were warned when they were made the law of the United States, they were warned then that if we did these things it was not wise. But, oh no, the others loved the Constitution more, they loved liberty more, so these unwise laws were passed. And what happened afterwards, after 9/11? Well, we properly removed both of those silly rules. We have taken them off the books, in a bipartisan, unanimous way. They were never required by the Constitution. They were never sensible from the beginning. But we passed them on emotion not reason. Some ideas being promoted now are not sensible either and can leave our country in dangerous straits. So this is an important matter. These things are life and death issues.

Last year, a Federal court ruled, based on changes in technology, that those laws we passed effectively limited the collection of critical communications of foreign intelligence. It was not the intention of Congress when we passed it, I am sure, that the law would, in effect, end up gutting perhaps the most important surveillance program we have against international terrorists, but that was the effect of it.

Admiral McConnell was flabbergasted. He came to us and pleaded with us to give him relief. So what happened? Well, he said this to us. Listen to these words. Basically this is what he said: The United States was unable to conduct critical surveillance of . . . foreign terrorists planning to conduct attacks inside our country.

That is basically—that is what he said to us. That is a dramatic thing.

So what happened? Congress went through an intense study, and we passed the Protect America Act this past summer. Some people said: This is a rush, though we spent weeks on it. Congress spent a lot of time working on it. But we said: OK, it will come back up for reauthorization in February. As of this date, there has been no example of abuse of that act.

Senator FEINGOLD says these intelligence procedures were illegal wiretapping. I think that is really not a fair thing to say. A court ruled that these procedures we had been using for some time, must, according to statutes we passed, go through a certain number of procedural hoops that, as a practical matter, would have eliminated the possibility of us continuing these surveillance techniques. That is what they ruled. I don't think we ever intended this to be the effect, but the court probably ruled fairly on the law. I am not sure. We are stuck with the ruling regardless.

I don't think it is fair to say the program was illegal. But certainly the procedures were not unconstitutional because this summer, when we passed the Protect America Act, we effectively concluded the program was good and constitutional. We affirmed the program.

I want to say, if we have any humor left on this subject, perhaps we ought to write President Bush a letter and tell him: Thank you. We are sorry we accused you of violating our Constitution and basic civil liberties. After the Congress spent weeks studying this, we passed a law that basically allowed the program to continue as it was.

I urge that we do the right thing on this legislation and move forward to the Intelligence bill, not the Judiciary bill.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I rise in support of the motion to proceed to the Foreign Intelligence Surveillance Act Amendments Act of 2007. It is important to underscore just how critical this legislation is and how the bill which was voted out of the Senate Select Committee on Intelligence by a vote of 13 to 2 is a comprehensive and bipartisan bill.

Some of my colleagues on the other side of the aisle have made allegations that this bill will infringe upon Americans' right to privacy. This bill only infringes on one group's right to privacy, and that is terrorists.

Prior to congressional action in August, and again if we do not make permanent these changes, our intelligence community was unable to collect vital foreign intelligence without the prior approval of a court. If our intelligence community wanted to direct surveillance at an al-Qaida member located in Waziristan who was communicating with another terrorist in Germany, they would have to first petition the FISA court for approval. In August, our intelligence community told us that without updating FISA, they were not just handicapped, they were hamstrung.

Congress passed the Protect America Act which temporarily fixed the intelligence community's legal gaps. However, the Protect America Act will expire in February of 2008. Congress must act swiftly before our core collectors are faced with losing valuable intelligence as a result of inaction by Congress.

When FISA was enacted in 1978, it was meant to provide our Government with the means to collect foreign intelligence within the United States while not infringing upon U.S. citizens' rights. Prior to FISA, the courts held that fourth amendment warrant protection applied to surveillance in a variety of cases, including the decisions of Katz and Keith. Congress reacted to these cases in the criminal and foreign intelligence arena by enacting legislation addressing the requirements of the fourth amendment in title III of the Omnibus Crime Control and Safe Streets Act of 1968 and in FISA.

While debating FISA, Congress sought to protect the rights of U.S. persons from unwarranted Government intrusion while collecting foreign intelligence within the United States. The congressional report accompanying FISA states:

> The purpose of the bill is to provide a statutory procedure authorizing the use of electronic surveillance in the United States for foreign intelligence purposes.

Regulating the collection of foreign intelligence, including the electronic surveillance of foreign communications made by terrorists, was neither contemplated during FISA nor by the courts after enactment of FISA. It has been long held that foreigners do not enjoy the protection of our Constitution unless they enter the territories of the United States, and even FISA provides an exception to that warrant requirement if it is unlikely that a U.S. person's communications would be intercepted. As an unfortunate consequence of the rapid advancements in technology since 1978 and post-Cold War threats, surveillance of some overseas communications were subjected to court orders.

It is now time for Congress to act to make permanent the fix to FISA so that our intelligence community has the tools they need to do their job in a very professional manner and gather the information necessary to protect our national security.

Let me be clear: These amendments to FISA would only apply to surveillance directed at individuals who are located outside the United States. This is not meant to intercept conversations between Americans or even between two terrorists who are located in the United States. The Government still would be required to seek the permission of the FISA Court for any surveillance done against people physically located within the United States, whether a citizen or not.

This is not good enough for some Members of Congress. They wish to extend the warrant requirement of the fourth amendment currently not bestowed under U.S. criminal law and procedure to American citizens overseas. The U.S. laws do not extend beyond our border, but the Supreme Court has held that certain fundamental rights such as those protected by the fifth and sixth amendments, as well as the reasonableness requirement of the fourth amendment, do extend to U.S. citizens outside the country. However, despite the opportunity, the Supreme Court has refused to hold that the warrant clause of the fourth amendment applies abroad for U.S. citizens. In a criminal prosecution, U.S. courts will accept evidence against U.S. citizens obtained by foreign governments without the probable cause demanded by U.S. law. U.S. courts recognize that the Bill of Rights does not protect Americans from the acts of foreign sovereigns, and excluding evidence obtained by them will not deter foreign governments from collecting it. Therefore, the evidence can be turned over to the United States and used in a criminal prosecution.

There was an amendment offered in the Intelligence Committee that requires that anytime a U.S. person is a target of surveillance, regardless of where the collection occurs, the Attorney General must seek approval under title I of FISA for that collection. The amendment fails to consider the intelligence community's adherence to current regulations which were drafted to comply with the reasonableness requirement of the fourth amendment.

Currently, under Executive Order 12333, section 2.5, the Attorney General may authorize the targeting of a U.S. person overseas upon finding probable cause to believe that the individual is a foreign power or agent of a foreign power. The intelligence community will now be required to obtain authorization from the FISA Court prior to conducting surveillance against terrorists or spies overseas who assist foreign governments merely because they are United States persons. It is my belief that the intelligence community has demonstrated to Congress how judicious, selective and careful they have been when it comes to protecting the very small number of U.S. citizens this applies to and does not necessarily need the court to approve their actions every step along the way. This complicates, and attempts to micromanage, the efforts of our intelligence community. Additionally, it prevents the intelligence community from acting quickly and with discretion in a process which has worked well to protect U.S. citizens for almost 30 years.

Some of my colleagues have expressed opposition to title II of the bill which provides that no civil actions may be brought against electronic communication providers if the Attorney General certifies that the assistance alleged was in connection with a lawful communication intelligence activity authorized by the President and designed to detect or prevent a terrorist attack against the United States. Providing our telecommunications carriers with liability relief is necessary and responsible. The Government often needs assistance from the private sector in order to protect our national security and, in return, they should be able to rely on the Government's assurances that the assistance they provide is lawful and necessary for our national security. As a result of this assistance, America's telecommunications carriers should not have to front heavy legal battles shrouded in secrecy on the Government's behalf.

The chairman and vice chairman of the Senate Select Committee on Intelligence introduced a carefully crafted, bipartisan piece of legislation. Although it was not a perfect bill, in committee I was willing to forgo offering amendments to support the bipartisan process and provide our intelligence community with the minimum requirements it needs in an environment with rapidly changing technology. I believe that the bill which was ultimately adopted by the committee, and with my support, contains troubling language which should be altered before enactment. Even so, this legislation is strides ahead of the partisan bill passed out of the Judiciary Committee and offered here as a substitute.

This is not, and should not, be a partisan issue by any means. The ability to collect the intelligence necessary to protect our country from foreign adversaries and terrorists should not be subjected to partisan politics in Congress. Protecting our national security is in the interest of all Americans, and Congress should seek to ensure that our Nation is protected fully. There are serious differences between the substitute bill voted out of the Judiciary Committee and the bill voted out of the Intelligence Committee. I urge my colleagues to reject the Judiciary Committee's substitute amendment and support the carefully crafted bipartisan bill passed out of the Intelligence Committee. However, differences of opinion exist and make it essential for Congress to examine and debate these issues on the floor. For these reasons I support cloture on the motion to proceed to FISA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I join my colleague from Georgia in encouraging support for the motion to proceed so we can begin consideration of this important bill. The reason for the FISA bill is very straightforward. Technology has outpaced the law. We are now able to collect intelligence in ways that were never understood or contemplated years ago when the law was drafted. As a result, we need to change the law to accommodate that collection.

Before we changed the law last year, we had lost about two-thirds of the ability to collect intelligence against al-Qaida. Clearly, in this war against these evildoers, these terrorists, we cannot cede two-thirds of the playing field to them without any monitoring or collection of intelligence against them. When we did the Protect America Act last summer, we regained the capability to collect that intelligence by conforming the legal procedures to the technology that enables us to collect this material.

Al-Qaida has not ceased to exist after 9/11. In fact, it exists and is still desiring to carry out the same kinds of attacks against the United States and other countries that it did on 9/11. We know the incredible amount of damage that can be inflicted if we are not prepared to deal with them. We also know that the best way to deal with al-Qaida and the like is to collect intelligence so we can prevent attacks from occurring rather than worrying about them after they have occurred. That is why it is so important for us to ensure that under the law we can engage in the kind of intelligence collection against al-Qaida that technology today enables us to do.

Many of our friends on the other side of the aisle have insisted that there be stringent congressional oversight of these programs by which we collect the intelligence. No one disputes that is a desirable thing to do. That is why this Congress and previous Congresses have agreed on a bipartisan basis to create robust oversight of U.S. intelligence gathering, even when it is against foreign targets. The agencies executing wiretaps and conducting other surveillance must report their activities to Congress and to others, so the opportunities for domestic political abuse of these authorities is eliminated.

No one is on a witch hunt against Americans. There is more material out there to be collected against foreign targets. Our people certainly don't have time to try to spy on Americans. That is not what is involved. We have to be careful that in creating this oversight we don't cut deeply into the capabilities of our intelligence community, that we don't in effect limit what they are able to do.

If you compare the Intelligence Committee bill with the Judiciary bill, you will see that the Judiciary bill would severely limit this collection of intelligence. Even the Intelligence Committee bill has one major flaw in it. We have to be careful that we don't tie down our Intelligence agencies with so many limits on how they can monitor foreign terrorist organizations that they really cannot respond to the threat that exists.

Let me give one example. The Intelligence Committee bill, which is the bill we are taking up first and which we should adopt, includes a provision that has been labeled the Wyden amendment which, as written, would require a warrant for any overseas surveillance that is conducted for foreign intelligence purposes and targets a U.S. person. As the Senator from Georgia pointed out, we already have protocols to deal with that, to minimize any potential problems that might arise in conducting intelligence that would include a U.S. person. But the way the Wyden amendment is written is overly broad and unprecedented.

Under current law, a warrant would not be required for overseas surveillance that is targeted to a U.S. person if that surveillance is conducted for purposes of a criminal investigation. So consider the anomaly. The Wyden amendment would create a requirement for a warrant to go after foreign terrorists involving also potentially U.S. persons, but it would not require a warrant in those circumstances of drug trafficking or money laundering that involve the very same people. It should not be more burdensome to monitor al-Qaida than it is to monitor a drug cartel. Yet the Wyden provision literally creates a situation where if an overseas group that includes U.S. persons is suspected, for example, of smuggling hashish, no warrant is required, but if the

same overseas group is suspected of plotting to blow up New York City, then a warrant would be required. This is not only anomalous; it is bad policy. It is the very kind of thing that if, God forbid, another attack should occur and we permit this to be written into the law, the next 9/11 Commission will criticize the Congress for writing it into the statute. We can prevent that from occurring by rejecting the Wyden amendment.

Let me conclude by asking: What is our goal? Do we want to allow our intelligence agencies to use the most up-to-date technology to track and prevent attacks by the most evil people in the world today, these al-Qaida terrorists, or are we so concerned about some potential theoretical, possible situation in which an American citizen's communications might be temporarily intercepted, if they call an al-Qaida person or an al-Qaida person calls them, that we are not going to take advantage of these intelligence-collection techniques?

We can write the law to ensure the protection of every U.S. person. We need to do that. But we cannot restrict our intelligence agencies from collecting that intelligence that is out there that might warn us of another attack.

The PRESIDING OFFICER. The Senator's time has expired.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we will have a cloture vote shortly on the motion to proceed to the FISA reform legislation that the Senate Select Committee on Intelligence reported last fall. I am glad we are proceeding to this bipartisan bill rather than to either of the rule XIV proposals. Both of those proposals would carve out core components of the Intel Committee's bill and likely would not obtain a Presidential signature.

The Intelligence Committee bill is a rarity in this Congress. It is the product of weeks of painstaking negotiations between Senate Republicans and Democrats, and benefited from the participation of intelligence experts in the administration.

The overwhelming bipartisan vote in the Intel Committee reflected the care, concern, and good faith that went into crafting that bill. The final vote was not 15 to 0, but a vote of 13 to 2 is pretty close.

What is all the more impressive about the Intel bill is that this accomplishment is in an area—foreign intelligence surveillance—that is highly sensitive.

Modifications to the Intel bill still need to be made, but it contains the two main ingredients that are needed for a Presidential signature: It will allow intelligence professionals to do their jobs, and it will not allow trial lawyers to sue telecom companies that helped protect the country.

Unfortunately, the Judiciary Committee bill lacks all the hallmarks of the Intelligence Committee's product. It does not provide our intelligence community with all the tools it needs. It does not protect telecommunications companies from lawsuits. It does not enjoy bipartisan support. And, most importantly, it will not become law.

So I think we have one approach that could lead to an important accomplishment, and we have one that will not. I am hopeful we will choose the right path.

Finally, I wish to make a couple of brief comments about the floor process for the FISA reform legislation.

I will be voting for cloture on the motion to proceed to the Intel bill, and I encourage all of our colleagues to do the same. A cloture vote is needed because of objections to the bipartisan bill by Senators Feingold and Dodd and others. It is certainly their right to object to the Senate's consideration of this important legislation. But it is also the right of other Senators to proceed carefully and thoughtfully on this matter.

Legislation dealing with our foreign intelligence surveillance capabilities is complex, and what we do determines if we are able to adequately defend the homeland from attack. Thus, Republicans will insist on being able to debate and study the complicated consequences of amendments that are offered. That is every Senator's right and, especially in this area, every Senator's duty.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I yield back our time.

CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded back, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2248, FISA.

Harry Reid, Patrick Leahy, Ken Salazar, Daniel K. Inouye, Robert P. Casey, Jr., Frank R. Lautenberg, Debbie Stabenow, Richard J. Durbin, Tom Carper, John Kerry, E. Benjamin Nelson, Evan Bayh, Kent Conrad, Carl Levin, Mark Pryor, Charles Schumer, Jay Rockefeller, S. Whitehouse, Bill Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline provisions of that act, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA), and the Senator from Vermont (Mr. SANDERS), are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), would vote ''no.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 10, as follows:

[Rollcall Vote No. 435 Leg.]

YEAS—76

Akaka	Enzi	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Barrasso	Graham	Pryor
Baucus	Grassley	Reed
Bayh	Hagel	Reid
Bennett	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Salazar
Bunning	Isakson	Schumer
Burr	Johnson	Sessions
Byrd	Kennedy	Shelby
Carper	Klobuchar	Smith
Casey	Kohl	Snowe
Chambliss	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Leahy	Stevens
Collins	Levin	Sununu
Conrad	Lincoln	Tester
Corker	Lott	Thune
Cornyn	Lugar	Vitter
Crapo	Martinez	Voinovich
Dole	McCaskill	Warner
Domenici	McConnell	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	
Ensign	Murray	

NAYS—10

Boxer	Dodd	Menendez
Brown	Feingold	Wyden
Cantwell	Harkin	
Cardin	Kerry	

NOT VOTING—14

Allard	Craig	Lieberman
Biden	DeMint	McCain
Brownback	Gregg	Obama
Clinton	Inhofe	Sanders
Coburn	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 10. Three-fifths of the Senators duly chosen having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, I have had a conversation with the distinguished Republican leader. We are now postcloture. No one is intending to use the 30 hours. We know we have to get to the omnibus and other such things, but there are some people who want to talk postcloture. I have spoken to the chairman of the Intelligence Committee and the ranking member. I have spoken to the Judiciary Committee members several times today. I have spoken to Senator DODD, who has an amendment dealing with immunity. On this side, there is a general feeling that the first amendment should be one dealing with immunity. At this stage, the one who is willing and ready to offer it, as soon as the postcloture finishes, is Senator DODD. So we will get to that on our side as soon as we can.

I would also state it appears at this stage it would probably be in everyone's interest that we acknowledge going into this that everything is going to take 60 votes anyway. So rather than play games, I have spoken to the Republican side, and it would appear to me that when we get to the amendment-offering stage, we should recognize that is likely be to the issue.

Now, let me also say this: I have finished a meeting 45 minutes ago with the Speaker. They are going to finish the omnibus tonight. It will be late. We will not get it tonight. They probably will not finish it until between 10 and 11 o'clock tonight. But that being the case, we are going to move to the omnibus tomorrow, if at all possible. To say the least, it has been very difficult to get to the point where we are. I would hope everyone understands we are going to do our very best to finish the bill tomorrow. There are a number of amendments that will be offered. There are very few that will be offered.

I have talked to Senator MCCONNELL. At this stage, it appears there will probably be four amendments, and that is all. That, of course, is always a moving target, and there may need to be more. If people have questions about this, check with the floor staff on the procedural aspects. But it is a pretty straightforward issue tomorrow. When we finish that, we have to do something about AMT, which is not completed. We have terrorism insurance that we have to do. We have to do an extension of CHIP and some of the Medicare provisions. That is about it. I may be missing something, but I don't think much.

Everyone should understand that even though the omnibus is coming here, we have spent hours and hours on this over the weekend trying to work out some of our differences. The bill has almost nothing as it relates to anything other than spending. It has been hard to arrive at where we have, but I think it has been one of cooperation. It was a good weekend. I don't mean this in any negative sense, but I didn't have to speak to the White House because we were able to work this out with the Speaker and Senator MCCONNELL—the Republican leaders in the House and my colleagues here. So I think we are in fairly decent shape to complete our work in the next couple of days.

Mr. STEVENS. Will the Senator yield for a question?

Mr. REID. Yes.

Mr. STEVENS. This Senator wonders if we will have a chance to read that omnibus. I understand it may or may not contain all of the bills that are unresolved as far as the appropriations process is concerned.

Mr. REID. The bill was online last night. It was filed around 5 o'clock. It is on the House Rules Web site. It has been available for 15 to 18 hours.

Mr. STEVENS. It is still subject to amendment in the House, isn't it?

Mr. REID. No. Well, it is subject to whatever the Rules Committee does over there. They are taking it to Rules today, and it will be on the floor sometime early this evening, and they will finish it tonight.

Mr. LEAHY. Mr. President, if the leader will yield, Senator DODD is prepared——

The PRESIDING OFFICER. If we can extend the courtesies to our Members here, we need order in the Senate.

Mr. LEAHY. I thank the Chair. We have a Judiciary Committee bill that was passed out with a majority vote. I, at some point, will modify that somewhat. At some point, that will require a vote. We have discussed this already. I wanted to make sure people understand that. Senator DODD will go first, but at some point I will do that.

Mr. REID. Mr. President, we thought there may be, initially, a bill that would be offered by the respective chairmen of the Intelligence and Judiciary Committees. That didn't quite work out. Senator LEAHY graciously indicated he would be willing to have Senator DODD go first. Senator DODD has other things he wants to look to. We have a tentative time agreement for Senator DODD, but we don't have that finalized yet. We need to get some of the postcloture debate out of the way. As soon as that is done, Senator DODD will be recognized. If that is not the case, I will be recognized to offer the amendment on his behalf. We hope there will be no efforts to have a jump ball on our side. That is the first amendment Senator LEAHY and Senator ROCKEFELLER want to do.

Mr. BOND. Mr. President, did I hear the majority leader ask unanimous consent that votes would have a 60-vote requirement?

Mr. REID. Mr. President, I say to my friend that I did not ask that. I indicated I thought we should understand that would be the end result.

I ask unanimous consent that all votes in relation to the bill that is now before the Senate—the FISA legislation—require 60 votes, except for final passage.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, is there a rule in the Senate that requires this?

Mr. REID. It is by unanimous consent on this bill. It is a very controversial bill. I think there would not be the votes, for example, on the immunity aspect; I am confident there are people who would require 60 votes. In an effort to cut through a lot of the talk here, we would try to set up a time that we would vote on this as the first amendment out of the box; and on the other amendments, until further notice and agreement among Senators, we would have a 60-vote margin.

Mr. DODD. Let me say this, further reserving the right to object, I will respectfully object at this time, and I will talk with the leader about that necessity. I don't want to set the precedent of insisting on 60 votes on a germane amendment. I will object at this point, and following that, the leader can make the request again.

Mr. REID. Mr. President, my friend has every right to object. It is quite obvious that this is required because Members will simply filibuster. They have told me so. If we are talking about something as sensitive as immunity, retroactive immunity, and prospective immunity, it is going to take 60 votes. The rules don't require that, we know that, but the rules do require 60 votes to stop a filibuster.

Mr. BOND. Mr. President, I object to any measure coming up that does not have a 60-vote requirement. We conditioned our approval to bring up these amendments on agreeing to 60 votes; otherwise, we will use the prerogatives of the Senate.

Mr. DODD. Mr. President, I understand the 60-vote majority, but I have a germane amendment that strikes a provision in the bill. I understand the rules. When something is nongermane or violative of the rules of the Senate and you want to waive the rule, you have a supermajority requirement, but not on an amendment pertaining directly to the bill that strikes a section of it. I understand there is opposition to it, but having to reach a supermajority on an amendment that strikes something in the bill that is of significant disagreement seems to be excessive at this point.

This is an important piece of legislation, and the Judiciary Committee voted differently than the Intelligence Committee on this matter. We feel strongly about this. If I were offering something that is violative of the Senate rules, I would accept a supermajority. But to establish the precedent here that any amendment to be offered to this bill will be subjected to a supermajority vote I think is too excessive. That is my concern. Tell me I am wrong about that, that I am violating the rules of the Senate, and I will accept that. But if we are establishing that simply on any amendment that is different, I think that is a direction in which we should not go.

Mr. REID. Mr. President, first of all, on the immunity issue—we have a lot of matters here. We have had 60-vote margins all year, including on the war

in Iraq. The Senator is right that there is no requirement that there be 60 votes. But there is a requirement that if somebody talks and keeps talking, there won't be a vote. So the Senator can offer his amendment, but, as we have heard from people on both sides of the aisle, there won't be a vote taking place on his amendment—50 votes or 55 votes or 60 votes.

I thought it would be in the interest of the body to cut to the chase and say on this and other matters—this is a very controversial issue. We don't have time to have a lot of cloture votes on different amendments. So it seems to me that it is in the best interest of everybody that that is the agreement. The suggestion made is a good one.

Despite agreeing with the Senator from Connecticut as to this issue, it doesn't mean he and I are right. Certainly, by the unanimous consent request, there is no precedent set in the Senate. It is on a case-by-case basis.

Mr. President, what is the matter before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 2248.

Mr. REID. That is one where we have 30 hours from the time the vote takes place, with Senators having 1 hour under their control; is that right?

The PRESIDING OFFICER. We are now postcloture, that is correct.

Mrs. BOXER. Mr. President, parliamentary inquiry, if I might. I wonder, is there a unanimous consent request regarding speakers postcloture at this point?

The PRESIDING OFFICER. No request.

Mrs. BOXER. I would like to know this, if I may ask a question to Senator DODD. He, at this point, is objecting to a 60-vote requirement, and therefore the regular order would be to have people speak on the motion to proceed; is that correct?

Mr. DODD. I have an amendment I would like to offer that strikes title II of the legislation. I am prepared to offer that. I know Senator LEAHY talked about going first. I am prepared to follow whatever the Senate would like us to in order. I would like an opportunity to offer my amendment at some point. I told the leader that we can work out a time agreement. I wasn't quite ready to do it. I want to know how many people want to be heard. I will limit myself, but I want to get a vote. I am not looking for extended debate on my amendment.

Mrs. BOXER. Further, when such a list is made, I ask Senator DODD or the majority leader to please place me on the list for a 15-minute timeframe on his amendment and a broader statement.

The PRESIDING OFFICER. On a motion to proceed, amendments are not in order at this point.

Who seeks time?

Mr. REID. Mr. President, I think it would be appropriate if we find out, postcloture, who wants to give speeches. Once we find out how many want to speak and how much time they want, we can lay down the bill and have Senator DODD offer his amendment. Anybody who wants to speak postcloture, let us know so we can get to the bill. We are not on the bill yet. We are postcloture.

Mrs. BOXER. Mr. President, if it is in order, I would like to start and talk for 10 minutes. I would like to make my remarks on the issue that is pending.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I strongly support bringing the Judiciary Committee version of the FISA bill before us. That is why I voted not to proceed to take up the Intelligence Committee bill.

I did not cast that vote lightly because, as the Chair knows, I want to get the terrorists. I voted to go after Osama bin Laden. I voted to go after al-Qaida after they attacked us. I have voted to give this President every penny he needed to go ahead and capture Osama bin Laden. To date, much to my dismay and the dismay of the American people, we haven't captured bin Laden, who engineered the attack against our Nation. We have not caught him dead, we have not caught him alive. But we did capture Saddam Hussein, who didn't attack us on 9/11. We did get into a war we cannot get out of, thanks to the President and his backers, who have gotten us into a position where there is no way out and no end in sight. But capture bin Laden? No.

I will never give up hope on that. I will give our country all the tools it needs to get him and the others who have harmed us and who want to harm us in the future. That is our most sacred responsibility and duty. But if we are not careful, if we are not prudent, if we are not honest about what we are doing here, we give bin Laden exactly what he wants, Mr. President: a country that scares its people rather than a country that protects its people, a country that takes away the rights of its people out of fear.

Former Justice Thurgood Marshall said:

> History teaches us that grave threats to liberty often come in times of urgency, when constitutional rights seem too extravagant to ignore.

Now, what makes America so great? It is that we have been a guiding light to the world because we have been a strong nation in all ways, and a strong nation protects the rights of its citizens, while a weak nation, a fearful nation, a nation that lives in fear, abdicates those rights. We see it around the world. Let us never see it here.

We have an understanding here in America that the need for security must always be balanced against the rights of the people. Once we lose that precious balance, we are giving the terrorists exactly what they want.

We cannot and we must not ever lose that precious balance. If freedom and liberty become nothing more than just hollow words, then when we try to lead the world, we will simply not have the moral high ground. We have seen this happen in our great Nation in so many areas, and we cannot today, or during the next couple of days, allow this Nation, with our permission, to look at the rights of our people and take them lightly.

I quote another Supreme Court Justice, one of my heroines, Sandra Day O'Connor:

> It is during our most challenging and uncertain moments that our Nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.

''We must preserve our commitment at home to the principles for which we fight abroad.''

When President Bush announced his foreign policy—I will never forget it—he said we need to bring democracy around the world. We need to bring freedom around the world. We need to stop the despots of the world from taking away the freedoms the people have. Yet here at home they are destroying tapes, at home they are listening in on Americans without a warrant.

What is in the judiciary version of the bill that makes it much better than the intelligence version, and why was I so proud to stand with only 10 of my colleagues? I thank Senator DODD for his leadership on this issue. That is a hard vote. Here is why.

The judiciary version of the bill requires at least one specific individual target in order to begin bulk collection of international communications. You need to name one target; that is what the Judiciary Committee is saying. You just don't go on a fishing expedition. We have seen those kinds of fishing expeditions before. We have seen people herded up before. We cannot do that now, not in this century; not in this century when we are fighting bin Laden and we are fighting the forces that want to take away freedom.

Second, it requires a FISA Court order to continue surveillance when a call involves U.S. citizens. That is called a check and balance. That is essential to our freedom.

Third, it allows the FISA Court to decide whether surveillance continues while the Government appeals a decision against a proposed surveillance program. That is another example of check and balance.

Human beings are flawed, and when all the power resides in one or two of them, we need to have a check and balance. By the way, check and balance is one of the centerpieces of our freedom, of our Constitution. In this particular area of the law, we ought to make sure it is built in.

The Judiciary bill provides ongoing FISA Court supervision, including audits of surveillance programs. Again, a check and balance.

And then, of course, there is the issue on which Senator DODD has been such a leader, and that is the issue of immunity, immunity for telecommunications companies that cooperated

with the administration's warrantless surveillance program.

Let me point out that there were some companies that did not go along with it. Let's not be led to believe that every company rolled over and said: Here, have at it. There were some that stood up for the law, the law that was supposed to guide them. There were some that stood up for the American people, and I thank them.

To the others, what I say to them is this—I understand why they might not have stood up, but we have to get to the bottom of this issue. We cannot go around giving people immunity when they turn their backs on the rule of law.

Granting immunity without fully understanding whether Americans were spied upon in a warrantless surveillance program is irresponsible because of this reason: Congress and the American people will be blocked from finding out the truth about the warrantless program. We may not find out for 20 years, 30 years, 40 years. That is wrong. The American people deserve to know the truth.

Again, I take it to what we are as a nation. We are a free people. Our people deserve to be protected. The ones who are bad apples deserve to be caught and face the music. We need to find a law that seeks that balance and gets that balance. I think the Judiciary Committee did that beautifully, and I wish that was the bill in front of us now. That is why I voted not to proceed to the Intelligence Committee version.

Having said this, I hope we can work together and improve the Intelligence Committee bill. The Intelligence Committee version of the bill with telecom immunity puts the interests of the telecom companies ahead of the rights of the American people.

In closing, this is a watershed moment for us. Why do I say that? I heard Senator SESSIONS come down and give a very eloquent speech. He said, ''The civil''—I am quoting him now—''The civil libertarians among us''—and then he listed all the bad things he thinks the civil libertarians among us have done. I hope every one of us—every one of us in this Chamber—supports the civil liberties of the United States of America because if you don't, you don't believe in the Constitution. That is where we get these rights.

We need a FISA bill that will help us continue to track the terrorists without surrendering our rights and our liberties, and this can be done. I hope we can get a coalition together and amend this Intelligence Committee bill in a way that will do just that. We need a bill that closes loopholes in FISA that clearly have been created by advancements in technology. I understand that. But we also need a FISA bill that, while it allows us to go after the bad guys, has proper checks and balances within it. We need a bill that will improve FISA Court oversight of our foreign surveillance programs without hindering our ability to protect our country. We can do that.

I believe the Judiciary Committee version of the FISA bill accomplishes these goals. We don't have to create it here. They did an excellent job. It seems to me to throw out all their work would be a big error.

Finally, my point: It is so ironic and sad to me that we are losing our beautiful young people, and, by the way, not so young, some from the National Guard who are in their thirties and forties and older. We are losing them every day over in Iraq. Why? Ask the President to answer that question. He will be quick to answer it eloquently. To bring freedom and democracy, bring freedom and democracy, bring freedom and democracy.

If you feel that way, Mr. President, and those who support him and have given him a blank check, then let's protect it at home in a way that allows us to go after those who will do us harm if we are not careful, and yet protects the very essence of our Nation, the very freedom of our Nation, the very essence of our Constitution that has brought us to this point where the world envies our freedom and democracy. To give it up for politics or sound bites or 30-second commercials on television would be a dereliction of our most sacred duty.

I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to be recognized for 15 minutes and that the Senator from California, Mrs. FEINSTEIN, be recognized next if no Member of the minority seeks recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, just recently, the Attorney General of the United States published an opinion piece in the Los Angeles Times on our ongoing work to improve the Foreign Intelligence Surveillance Act, what we call FISA. This follows closely on a similar opinion piece by the Director of National Intelligence, Admiral McConnell, in the New York Times.

I ask unanimous consent to have printed in the RECORD each of these documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Dec. 12, 2007]

A FISA FIX

(By Michael B. Mukasey)

One of the most critical matters facing Congress is the need to enact long-term legislation updating our nation's foreign intelligence surveillance laws. Intercepting the communications of terrorists and other intelligence targets has given us crucial insights into the intentions of our adversaries and has helped us to detect and prevent terrorist attacks.

Until recently, our surveillance efforts were hampered by the unintended consequences of an outdated law, the Foreign Intelligence Surveillance Act, which was enacted in 1978 to establish a system of judicial approval for certain intelligence surveillance activities in the United States.

The requirement that a judge issue an order before communications can be intercepted serves important purposes when the target of the surveillance is a person in our country, where constitutional privacy interests are most significant. The problem, however, was that FISA increasingly had come to apply to the interception of communications of terrorists and other intelligence targets located overseas. In FISA, Congress had embedded the crucial distinction between whether targets are inside or outside our country, but did so using terms based on the technology as it existed then. However, revolutionary changes in communications technology in the intervening years have resulted in FISA applying more frequently to surveillance directed at targets overseas. The increased volume of applications for judicial orders under FISA impaired our ability to collect critical intelligence, with little if any corresponding benefit to the privacy of people in the U.S.

This summer, Congress responded by passing the Protect America Act. That law, passed with significant bipartisan support, authorized intelligence agencies to conduct surveillance targeting people overseas without court approval, but it retained FISA's requirement that a court order be obtained to conduct electronic surveillance directed at people in the United States. As J. Michael McConnell, the director of national intelligence, stated, the new law closed dangerous gaps that had developed in our intelligence collection. Congress, however, set the act to expire on Feb. 1, 2008.

It therefore is vital that Congress put surveillance of terrorists and other intelligence targets located overseas on surer institutional footing. The Senate Intelligence Committee has crafted a bill that would largely accomplish that objective. Recognizing the uncommon complexity of this area of the law, the committee held numerous hearings on the need to modernize FISA, received classified briefings on how various options would affect intelligence operations and discussed key provisions with intelligence professionals and with national security lawyers inside and outside government. This thorough process produced a balanced bill approved by an overwhelming, and bipartisan, 13–2 vote.

The Senate Intelligence Committee's bill is not perfect, and it contains provisions that I hope will be improved. However, it would achieve two important objectives. First, it would keep the intelligence gaps closed by ensuring that individual court orders are not required to direct surveillance at foreign targets overseas.

Second, it would provide protections from lawsuits for telecommunications companies that have been sued simply because they are believed to have assisted our intelligence agencies after the 9/11 attacks. The bill does not, as some have suggested, provide blanket immunity for those companies. Instead, a lawsuit would be dismissed only in cases in which the attorney general certified to the court either that a company did not provide assistance to the government or that a company had received a written request indicating that the activity was authorized by the president and determined to be lawful.

It is unfair to force such companies to face the possibility of massive judgments and litigation costs, and allowing these lawsuits to proceed also risks disclosure of our country's intelligence capabilities to our enemies. Moreover, in the future we will need the full-hearted help of private companies in our intelligence activities, we cannot expect such cooperation to be forthcoming if we do not support companies that have helped us in the past.

The bill that came out of the Senate Intelligence Committee was carefully crafted and

is a good starting point for legislation. Unfortunately, there are two other versions of the bill being considered that do not accomplish the two key objectives. The House of Representatives recently passed a version that would significantly weaken the Protect America Act by, among other things, requiring individual court orders to target people overseas in order to acquire certain types of foreign intelligence information. Similarly, the Senate Judiciary Committee made significant amendments to the Senate Intelligence Committee's bill that would have the collective effect of weakening the government's ability to effectively surveil intelligence targets abroad.

Moreover, neither the House bill nor the Senate Judiciary Committee's version addresses protection for companies that face massive liability. Both the Senate Judiciary Committee amendments and the House bill passed largely on party lines, and the full Senate will be debating this issue shortly

Congress must choose how to correct critical shortcomings in our foreign intelligence surveillance laws. It is a time for urgency. The Protect America Act expires in just two months, and we cannot afford to allow dangerous gaps in our intelligence capabilities to reopen. But this is also a time of opportunity, when we can set aside political differences to develop a long-term, bipartisan solution to widely recognized deficiencies in our national security laws. When Congress returns to this challenge, it should continue on the course charted by the Senate Intelligence Committee.

[From the New York Times, Dec. 10, 2007]

HELP ME SPY ON AL QAEDA

(By Mike McConnell)

The Protect America Act, enacted in August, has lived up to its name and objective: making the country safer while protecting the civil liberties of Americans. Under this new law, we now have the speed and agility necessary to detect terrorist and other evolving national security threats. Information obtained under this law has helped us develop a greater understanding of international Qaeda networks, and the law has allowed us to obtain significant insight into terrorist planning.

Congress needs to act again. The Protect America Act expires in less than two months, on Feb. 1. We must be able to continue effectively obtaining the information gained through this law if we are to stay ahead of terrorists who are determined to attack the United States.

Before the Protect America Act was enacted, to monitor the communications of foreign intelligence targets outside the United States, in some cases we had to operate under the Foreign Intelligence Surveillance Act, known as FISA, a law that had not kept pace with changes in technology. In a significant number of these cases, FISA required us to obtain a court order. This requirement slowed—and sometimes prevented—our ability to collect timely foreign intelligence.

Our experts were diverted from tracking foreign threats to writing lengthy justifications to collect information from a person in a foreign country, simply to satisfy an outdated statute that did not reflect the ways our adversaries communicate. The judicial process intended to protect the privacy and civil liberties of Americans was applied instead to foreign intelligence targets in foreign countries. This made little sense, and the Protect America Act eliminated this problem.

Any new law should begin by being true to the principles that make the Protect America Act successful. First, the intelligence community needs a law that does not require a court order for surveillance directed at a foreign intelligence target reasonably believed to be outside the United States, regardless of where the communications are found. The intelligence community should spend its time protecting our nation, not providing privacy protections to foreign terrorists and other diffuse international threats.

Second, the intelligence community needs an efficient means to obtain a FISA court order to conduct surveillance in the United States for foreign intelligence purposes.

Finally, it is critical for the intelligence community to have liability protection for private parties that are sued only because they are believed to have assisted us after Sept. 11, 2001. Although the Protect America Act provided such necessary protection for those complying with requests made after its enactment, it did not include protection for those that reportedly complied earlier.

The intelligence community cannot go it alone. Those in the private sector who stand by us in times of national security emergencies deserve thanks, not lawsuits. I share the view of the Senate Intelligence Committee, which, after a year of study, concluded that ''without retroactive immunity, the private sector might be unwilling to cooperate with lawful government requests in the future,'' and warned that ''the possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our nation.''

Time for the Protect America Act is growing short, but there is still an opportunity to enact permanent legislation that helps us to better confront both changing technology and the enemies we face in a way that protects civil liberties.

I served for almost 30 years as an intelligence officer before spending some time in the private sector. When I returned to government last winter, it became clear to me that our foreign intelligence collection capacity was being degraded. I was very troubled to discover that FISA had not been updated to reflect new technology and was preventing us from collecting foreign intelligence needed to uncover threats to Americans.

The Protect America Act fixed this problem, and we are safer for it. I would be gravely concerned if we took a step backward into this world of uncertainty; America would be a less safe place.

Mr. WHITEHOUSE. Madam President, both opinion pieces go on at some length about the importance of new legislation on foreign surveillance activities. They devote paragraph after paragraph to this issue. But the two leaders of America's law enforcement and intelligence communities completely ignore, never once mention, the issue that is actually in dispute; that is, on what terms will we allow this administration to spy on Americans?

We all agree to unleash our intelligence agencies on foreign targets of foreign surveillance. There is no question there. The heart of the debate is the question of spying on Americans, one, when they are outside the country, or, two, when they are incidentally intercepted by surveillance targeted at someone else.

This, the wiretapping of Americans, has been the entire subject of our work on surveillance. And yet Judge Mukasey and Admiral McConnell never once mentioned the topic. There are only two possibilities and each is regrettable. One is that these two gentlemen simply don't know what is going on, which seems unlikely since Director McConnell has participated in hearings on the subject, and we discussed in detail our concern about wiretapping Americans, and members of my staff are working through the details of the issue on a nearly daily basis with lawyers at the Director of National Intelligence and the Department of Justice.

So that leaves only one alternative that these two gentlemen do know what is going on and just chose to talk past the issue, ignore its very existence. That is a shame, and I hope it is not the early propaganda phase of a Bush administration effort to replicate the August stampede that got us into this pickle in the first place.

Since they have not mentioned it, let me tell you what the problem is. The Protect America Act passed in the August stampede contains no statutory limitation on this administration's ability to spy on Americans traveling abroad whenever it wants, for whatever purpose. Let me repeat that. The Protect America Act contains no statutory restriction on this administration's ability to spy on Americans traveling abroad whenever it wants, for whatever purpose.

The only limitation that now exists on that power is section 2.5 of Executive order No. 12333, which says the administration will not wiretap Americans overseas unless the Attorney General determines that person is an agent of a foreign power.

The problem, as I noted in a speech in this Chamber recently, is a secret Bush administration Office of Legal Counsel memo related to surveillance activities which says this:

> An Executive order cannot limit a President. There is no constitutional requirement for a President to issue a new Executive order whenever he wishes to depart from the terms of a previous Executive order. Rather than violate an Executive order, the President has instead modified or waived it.

In other words, the only thing standing between Americans traveling overseas and a Government wiretap is an Executive order that this President believes he is under no obligation to obey and may secretly disregard. The only thing standing between Americans traveling overseas and a Government wiretap is an Executive order this President believes he has no obligation to obey and may secretly disregard.

So for months we have worked to repair the flawed bill of August, and the question of spying on Americans has been the issue—the issue—of concern. I and my staff, many of my colleagues on both sides of the aisle and their staffs have been working diligently and in good faith to solve this problem. What I have seen in these negotiations has been a thoughtful exchange by well-intentioned people who are committed to keeping America safe without trampling on the rights of Americans.

We have talked not only with each other on both sides of the aisle but also

with people in this administration, including staff attorneys at the DOJ and DNI. We have worked almost all the way toward making sure Americans who are incidentally intercepted enjoy full, meaningful minimization protections. I think we have worked all the way toward making sure a court order is required to wiretap an American who happens to be overseas.

For both Director of National Intelligence McConnell and Attorney General Mukasey to write an op-ed as if the issue of spying on Americans abroad has no role in this debate, when it has been the key and central issue in this debate, is, frankly, disappointing. One wonders how big the elephant in the room has to be before they are willing to acknowledge it. Ignoring this problem may serve the Bush-Cheney interest in unaccountable executive power, but it does not protect Americans' privacy and it does not make Americans safer.

I urge my colleagues to remember that the issue we have been grappling with is a simple one: On what terms will we allow this administration to spy on Americans? It is a question with real implications for our democracy, for our civil liberties, and ultimately for the security of this Nation.

Unless we really believe that when Americans leave our country we leave our civil rights behind, unless we really believe this Government should have unfettered power to eavesdrop on conversations of families vacationing in Europe or soldiers serving in Iraq, then the authority to spy on Americans abroad cannot be left under the exclusive control of this administration. It is a matter that must be solved in this legislation that Congress must pass to restore the Protect America Act to a fair appreciation of civil liberties.

That is why we have been working on this question so hard. It is a serious question. I wish the two gentlemen leading the key Departments of Government involved had recognized that it exists, and I urge my colleagues to insist on the protections we have worked so hard for—to protect Americans from surveillance in a way the intelligence community has come to support.

We have come a long way. Chairman ROCKEFELLER is owed our gratitude, as is Chairman LEAHY. Their leadership in this has been spectacular. I also wish to express appreciation for the efforts of the distinguished ranking members, Senators KIT BOND and ARLEN SPECTER. We are on the verge of a historic moment in the rights of Americans and in making sure that when they travel abroad it is clear that they take their rights with them. Let us not let this moment slip away.

Madam President, how much time remains of my 15 minutes?

The PRESIDING OFFICER. The Senator from Rhode Island has 6½ minutes remaining.

Mr. WHITEHOUSE. Let me say one thing quickly, and we will come back to it, I believe, when amendments come forward.

With respect to the question of how we deal with the litigation that presently involves certain telephone communications carriers, I think everybody in this Chamber should remember the impossible predicament in which those companies have been placed. There are litigants, private litigants in court, in an ongoing action, and the Government has come in and told them: You may not defend yourself. It has told them: You may not say one word in defense of this litigation. National security is asserted as the reason, and all of the threats that come with violations of national security are in play.

So there they are, private litigants in private litigation, and the Government has stepped in and said: You may not defend yourself. I think we have to do something about that. Along with what the ranking member of the Judiciary said earlier, the distinguished Senator from Pennsylvania, Mr. SPECTER, I think the only decent thing we can expect the Government to do is to at least step in itself for these litigants. If they are going to tell the carriers they can't defend themselves in court in ongoing litigation, the least this Government should be able to do is to step in and say: We will step in and substitute ourselves for you.

So I applaud what Senator SPECTER has done with his substitution bill, and I look forward to a discussion of that.

I yield the remainder of my time, and I yield floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that I may yield the remainder of my hour postcloture to Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Madam President, let me begin by thanking my colleague from California, Senator BOXER, not only for her generosity in giving me some additional time, but also for her comments regarding the underlying discussions on the FISA legislation and the provisions of the law before us for our consideration. I appreciate her comments and her thoughts on the subject matter.

I have already spoken at some length on FISA this morning, on these amendments, this new legislation before us, and my concern for what I consider to be the most egregious provision in this proposed legislation—that is, the retroactive immunity for the telecommunications industry that may have helped the President break the law. I have objected to that immunity on some very specific grounds because it would cover up an immense violation of trust, privacy, and civil liberties in our country.

This was not some small matter. It was not a one-time event. It went on for 5 years, in an elaborate and extensive way. But even more importantly, immunity is wrong because of what it represents. This is a fatal weakening of the rule of law which shuts out our independent judiciary and concentrates power in the hands of the executive.

FISA, as we have seen, was written precisely to resist that concentration. That the motivation in 1976–1978 when this legislation was drafted: making sure we could bridge this gap between security and rights, protecting both our security and our fundamental liberties. When we divide that power responsibly between the legitimate legislative, judicial, and executive branches, terrorist surveillance is not weakened; it is strengthened and made more judicious and more legitimate and less subject to the abuses that sap public trust.

But when millions of people, for over 5 years, had their private communications interrupted by the telecommunications industry, without a court order—which is what the law requires—the spirit of FISA has been undermined, and the public trust has been sapped. That, Mr. President, compromises our security.

I firmly believe, therefore, that any changes to FISA must be in keeping with its original spirit of shared powers, respect for the rule of law. If we act wisely, we can ensure terrorist surveillance remains inside the law and not an exception to it.

The Senate should pass a bill doing just that, and we will have the opportunity to do so; but the FISA Amendments Act, as it comes to us from the Intelligence Committee, is not that bill. Its safeguards against abuse, against the needless targeting of ordinary Americans, are far too weak. The power this bill concentrates in the hands of the administration is far too expansive.

However, the Senate also has before it a version of the bill that embodies a far greater respect for the rule of law. The version crafted by the Senate Judiciary Committee substituted a completely new title I and was reported out on November 16. Both versions of the bill authorize the President to conduct overseas surveillance without individual warrants. Let me repeat that: both bills—both versions of the bill authorize the President to conduct overseas surveillance without individual warrants.

Madam President, I see my colleague from California arriving on the floor, so I will yield the floor to her. I will ask when I come back to pick up my remarks as if uninterrupted, when the Senator from California completes her remarks; or the Senator from Missouri may have some thoughts on this legislation, and I will be more than happy to yield to him, as well, before coming back to the remarks I was in the midst of giving.

But I appreciate the opportunity to address the subject of retroactive immunity, which is the reason I am here on this matter today. So I look forward

to hearing from the Senator from California, and I am withholding my time, and I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Indeed, Madam President, I am taken aback by the generosity of the Senator from Connecticut, and I want him to know I very much appreciate it.

I wish to make a few comments on this bill and then introduce two amendments. These two amendments are very important to me because without them I am going to have a great deal of trouble voting for the final product. I say that as a predicate.

First, the general comments.

On December 16, 2005, the New York Times introduced the world to a secret NSA surveillance program, later dubbed the ''terrorist surveillance program,'' or TSP as it came to be known. This program, ordered by the President after September 11, 2001, was conducted in violation of U.S. law.

I have served on the Intelligence Committee for more than 6 years now and on the Judiciary Committee for almost 15 years, and I can tell you that NSA signals intelligence is an indispensable tool on the war on terror. No one should think there aren't people who would do us harm. The only way to wage this war on terror is to find them before they find us. At the same time, it is crucial to remember the history.

FISA was first enacted in 1978 in the wake of major civil rights abuses of foreign intelligence. The White House had authorized surveillance on Americans because of their political views—Martin Luther King, Joan Baez, and many others—a massive drift net collection of communications of U.S. citizens into and out of the United States. FISA was enacted to ensure such abuses would not occur again, and it has, in fact, safeguarded Americans' privacy rights for the past 30 years.

FISA requires court review and approval when surveillance is targeting a person inside this country. No content can be collected on an individual unless there is a warrant by the FISA Court.

As has been pointed out many times, changes in telecommunications technology and a change in the nature of our enemies have made updates to the 1978 FISA law necessary. New legislation is, in fact, needed to redraw the lines detailing when and where surveillance can take place and when a court warrant is required. That is what this debate is about and that is what the cloture vote just began.

To be clear, these modifications should not come at the expense of civil liberties protections that are enshrined in our Constitution. Today, in my view, it is clear that the administration made a big mistake in not using FISA in the first place. I have consistently said that I thought the terrorist surveillance program could be done under FISA. A FISA Court judge proved this correct earlier this year. If changes to FISA were needed to accomplish this surveillance, the administration should have requested those changes when we reauthorized the PATRIOT Act.

But, instead, the White House and Department of Justice relied on a new and aggressive interpretation of the President's article II authority under the Constitution, and a flawed argument that the authorization to grant military force use provided a statutory exemption to FISA. That was a big mistake. It is clear to me from the Office of Legal Counsel opinions that individuals in the Justice Department did not feel bound by established U.S. law, but proceeded under a new and expanded view of Presidential authority to move forward with the program.

With this bill, we can turn the page on a sad portion of our Nation's history. Both the Intelligence and the Judiciary bills will keep the terrorist surveillance program under FISA, and it will restore protections for America's privacy rights in ways that the Protect America Act does not. Let me give a few examples.

No. 1, this bill categorically requires an individualized warrant any time surveillance targets someone inside the United States. So the argument about a great drift net being cast across the United States, picking up tens of thousands of America's phone calls, simply is not correct. Targets outside the United States would be subject to a program warrant where the FISA Court reviews the targeting, in what are called minimization procedures.

No. 2, the FISA Court review must be involved any time the intelligence community is conducting surveillance on an American anywhere in the world. By that I mean any time a American is collected for content anywhere in the world, that individual becomes a target. Until now, the Attorney General has authorized, under section 2.5 of Executive Order 12333, surveillance of Americans outside the country. There has been no FISA Court review in these cases.

The numbers of Americans targeted overseas were between 50 and 60 cases last year, according to the DNI—last year being 2006. So the numbers are small, and reports are made anonymous through minimization, and only included if they contained foreign intelligence value.

No. 3, the bill puts the FISA Court review upfront, where it belongs, rather than 4 months after collection has begun, as was done under the Protect America Act. In other words, upfront the FISA Court reviews the minimization and approves that minimization, and can say to the Department: We want you to come back in 6 months or 8 months or 3 months, and we will take another look at it.

No. 4, procedures known as ''minimization'' are clearly defined and applied. This has been a hallmark of FISA for 30 years, but was not included in the Protect America Act. Once again, minimization is the process that the intelligence community has used since 1978 to protect information concerning Americans. When the NSA collects the content of communications, it does so to write intelligence reports. Minimization states that information without a foreign intelligence purpose is not used, and it cannot be retained indefinitely. It must be discarded at some point.

Intelligence reports that use information about an American are made anonymous, to protect that person's privacy rights. The bill requires that the minimization procedures used in each program be approved by the court upfront, so they go to the court first and they say this is what we want to do and these are the procedures we will use, and the court can affirm it or deny it. But it goes before a court.

If the amendments are adopted, the court will have the power to review how the minimization is being applied as well, so they will have constant review of the process.

No. 5, oversight mechanisms are stronger in this legislation. Reviews are required by inspectors general, agency heads, the FISA Court, and the Congress on how the surveillance authority is being used.

I wish to speak for a moment on the subject of telecom liability and then on exclusivity. If I might, I wish to do the exclusivity first.

On behalf of myself, Senator ROCKEFELLER, Senator LEAHY, and Senator NELSON, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment may be filed but not offered.

Mrs. FEINSTEIN. Madam President, this bill does not include language I authored to strengthen the exclusivity provisions of FISA. It has been reviewed by the chairman of the Intelligence Committee, the chairman of the Judiciary Committee, and they are both cosponsors, as well as an additional cosponsor in Senator BILL NELSON of Florida, who is also a member of the Intelligence Committee. Basically, what this amendment does is strengthen FISA as the only and exclusive authority for gathering intelligence through electronic surveillance. It specifically closes the AUMF loophole I mentioned earlier, whereby the administration contends it does not need FISA approval.

Second, it provides that only another statute, specific statute can constitute an additional exclusive means of electronic surveillance.

Third, it strengthens the requirements for certifications. The administration must identify the specific provision of the law on which the certification is based.

The exclusivity amendment I have submitted is intended to reinforce the legislative intent of the bill. In 1978, when the bill was passed, the court was to be absolute when conducting electronic surveillance against Americans

for foreign intelligence purposes. Unfortunately, despite the 1978 language, the Bush administration decided it could go outside the law. That was both wrong and unnecessary.

To make matters worse, the administration made up an argument that Congress had authorized it to go around FISA by some passing the authorization for use of military force against al-Qaida and the Taliban. Does anyone here actually believe that? I do not know one Member of Congress who has stated publicly that they believed they were authorizing the terrorist surveillance program when they voted to go to war against bin Laden. In fact, to the contrary, it was never considered and to the best of my knowledge it was never thought of. When the Department of Justice came to the Congress in September 2001, outlining the changes it needed in FISA to wage this war, it did not mention anything about surveillance efforts such as those the TSP program addressed.

Congressional intent from 1978 is clear. Congress clearly intended for FISA to be the exclusive authority under which the executive branch may conduct electronic surveillance. Let me briefly review the history, because it is important.

Congress wrote, in 1978, in report language accompanying FISA:

> Despite any inherent power by the President to authorize warrantless electronic surveillance in the absence of legislation, by this bill and chapter 119 of title 18, Congress will have legislated with regard to electronic surveillance in the United States, that legislation, with its procedures and safeguards prohibit the President, notwithstanding any inherent powers, notwithstanding any inherent powers—

Which means AUMF, article II of the Constitution

—from violating the terms of that legislation.

That is a quote. The legislative history continues by describing the Supreme Court's decision in the Keith case, in which the Court ruled at that time Congress hadn't ruled in this field, and simply left the Presidential powers where it found them.

But at this point the legislative history turns. The 1978 language responded to the Keith case and said this:

> The Foreign Intelligence Surveillance Act, however, does not simply leave Presidential powers where it finds them. To the contrary, this bill would substitute a clear legislative authorization pursuant to statutory, not constitutional, standards.

I want the record to show here the clear understanding in 1978 that FISA was the exclusive authority. That was the report language accompanying H.R. 7138 as it passed the 95th Congress.

President Carter signed the bill. His signing statement said this:

> This bill requires, for the first time, a prior judicial warrant from all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States in which communications of U.S. persons might be intercepted.

That is pretty clear, on the part of the President who signed the bill, and the House and the Senate that passed that bill, what the intention was.

The Intelligence Committee bill before us reiterates the 1978 exclusivity language, but I believe this needs to be strengthened in light of the article II and the AUMF arguments that this administration has been making. I am going to introduce this amendment at this time.

This language closes loopholes that this Department of Justice squeezed through, to claim that the AUMF was an authorized exception to the FISA. It clearly was not. The amendment does this by tightening language in FISA, and in title 18 of the criminal code, making clear that future Presidents should not try to read between the lines in future legislation for authorization to go outside of the Foreign Intelligence Surveillance Act.

It also provides more specificity in what must be included in written requests or directives to telecommunications authorities for them to legally provide assistance. It is clear from the recent history that this is necessary. In fact, the whole issue of whether telecom immunity is needed is because past certifications have not been clear.

I couldn't support a bill that did not clearly reestablish the primacy of FISA. I tried to do it in committee. I thought it was done in committee. It was not included in the base bill. The Republican side would not go along with it. I once again submit it. To me it is vital, and my vote on the bill was, at least 50 percent, based on this exclusivity provision.

Now, if I may, may I mention telecom immunity and submit an amendment? I voted for telecom immunity in the committee. I am not inclined to vote for it, to be candid with you, unless this amendment is adopted. So let me begin by talking about the immunity provision of the bill. It is not as expansive as some would make it sound. The language would only cover cases where the Attorney General certifies that the defendant companies received written requests or directives from top levels of the Government for their assistance.

In other words, the Government, in writing, I stress in writing, assured those companies that the program was legal, the President had authorized the program, and that its legality has been approved by the Attorney General.

The legislation does not provide immunity for criminal wrongdoing, nor does the legislation provide liability relief for any Government official such as that the Director of National Intelligence had requested in April. No individual immunity of anyone in the government is included in this bill.

There are approximately 40 cases pending in the Ninth Circuit. The companies in these cases are prevented from making their own defense. I do not know if Members understand the full importance of this. They are prevented from responding to inaccurate news articles, inaccurate press releases, they cannot come before the Congress and testify in public, they cannot respond to anything that is said in the public sector, and they are prevented from defending themselves in court.

These defendants have to sit by and listen to what they consider to be misrepresentations, and they cannot respond to these misrepresentations. So, in effect, they are handcuffed and gagged by the administration's claim of state secrets. This is a matter of fairness. These companies have no financial motives in providing assistance to the Government. In fact, they incurred a substantial risk in doing so. They were given written requests, legal assurances in the weeks after September 11. The letters went out within 5 weeks of September 11, when we all feared this Nation might suffer additional attacks.

In fact, evidence has come to light to indicate the second wave of attacks involving the West Coast was being planned. It was this administration, not the companies, that made a flawed legal determination. It was this administration that withheld its activities from the Congress for 4 long years. It was this administration that decided not to go to the FISA Court. They could have gone to the FISA Court. They could have asked for a program warrant, which they subsequently got.

They could have put this program under FISA coverage, which it now is, which they did not at the time.

It has been pointed out that there is a longstanding common law provision that allows citizens to rely on the assumption that the Government acted legally when it asks a private citizen or a company to assist it for the common good. All that is required is that the citizen act in good faith.

So the question is whether the small number of people, and it was a small number of people, who were actually cleared in a classified sense, to deal with this, of these companies, were acting in good faith and whether it was reasonable for them to determine that the assistance, in fact, it provided was legal.

A small number of telecom officials were acting under the cloak of secrecy and a directive not to disclose the Government's request. They are not experts on article II of the Constitution. The amendment I am going to submit would put before the FISA Court the question of whether the telecommunications companies should, in fact, receive immunity based on the law.

The FISA Court would be required to act, en banc, and how this is, is 15 judges, Federal judges, appointed by the Chief Justice, they sit 24/7, and this is all they do, they would act en banc. They would look at the following: Did the letters sent to the carriers which were repeated virtually every 35 to 45 days over the last 4 to 5 years, did the letters sent to the carriers meet the conditions of law.

Section 2511 of title 18 clearly states that a certification from the Government is required in cases where there is no court order. That is the only two ways that FISA allows this to proceed, by written certification or by court order.

The Government has to certify in writing that all statutory requirements for the company's assistance have been met. So the FISA Court would first look at whether the letter sent to the companies met the terms of this law. The court would then look at, if the companies provided assistance, was it done in good faith and pursuant to a belief that the compliance was legal.

Finally, the FISA Court would ask: Did the defendants actually provide assistance? If the FISA Court finds that defendant did not provide any assistance to the Government or that the assistance either met the legal requirements of the law or was reasonably and in good faith, the immunity provision would apply.

If the FISA Court finds that none of these requirements were met, immunity would not apply to the defendant companies. I think the merit of this approach is it preserves judicial review, the method we look at in order to decide questions of legality.

Now, the bulk of the Members of this body, probably 90 percent of them, have not been able to see the written certification, so you do not know what was there. What we ask in this amendment is: FISA Court, you take a look at these letters, and you make a ruling as to whether they essentially meet the certification requirements of the FISA law.

Therefore, there is judicial review to determine whether, under existing law, this immunity should be forthcoming. It is a narrowing of the immunity provisions of the Intelligence bill. I think it makes sense. I read the letters. I am a layperson, I am not a lawyer. I cannot say whether they met the immunity provisions. Others can say that.

But it should be up to a court to make that decision. It seems to me that if the FISA Court finds that none of these requirements were met, immunity would not apply to the defendant companies.

The FISA Court of Review stated in 2002 that the President has article II authorities to conduct surveillance. The article II authority is the big rub in all this. The collection under this program was directed overwhelmingly at foreign targets.

But no court has addressed this issue since FISA was enacted in 1978. And, candidly, I think the time has come to see whether the President's article II authority—and the FISA Court would be the first judge of this—in fact, supersedes the article II authority based on the reading that I had given you of FISA Court passage in 1978.

So essentially that is the amendment I would like to send to the desk at this time which narrows the immunity provision of the FISA law. I thank the clerk for receiving the amendment.

In sum, I have tried to pay a great deal of attention to this. I tried to do my due diligence, both as a member of the Judiciary Committee and the Intelligence Committee. I truly do believe electronic surveillance is vital in the war against terror.

I believe it is the most likely way we learn what is being planned for the future and have an opportunity to prevent it from happening. I truly believe there are people who would do this Nation grievous injury and harm if they are given the opportunity to do it, and I think the telecom communities did depend on the good faith of the head of the National Security Agency and the Attorney General and the requests from the highest levels of Government.

The question is, Did they comply with the law? And so the amendment I have suggested would give the FISA Court the opportunity to make a ruling as to whether, in fact, they did comply with the law.

The second amendment would strengthen the exclusivity provisions of the FISA law so we never again, hopefully, will find ourselves in the same situation.

I look for a vote on both those amendments, and I thank the Chairman of the Intelligence Committee, the Judiciary Committee and Senator NELSON for supporting my amendment on exclusivity.

I ask unanimous consent that Senator NELSON of Florida be added as a cosponsor of the FISA Court evaluation on the immunity question amendment.

The PRESIDING OFFICER (Mr. WEBB.) Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Senator from Connecticut for yielding to me.

Mr. KENNEDY. Mr. President, I am troubled by the FISA bill that has come to the Senate floor. Since I introduced the original FISA legislation over 30 years ago, I have worked to amend the FISA law many times, and I believe that this bill is not faithful to the traditional balance that FISA has struck. This bill gives the executive branch vast new authorities to spy on Americans, without adequate guidance or oversight. Americans deserve better.

I voted ''yes'' on the motion to proceed to consideration of this bill because I believe this legislation is too important to hold up any longer. The House has already passed a new FISA bill, and the Senate needs to do the same. But let me be clear, the Senate should reject the bill that we have before us. We need to pass the Judiciary Committee version instead.

The Foreign Intelligence Surveillance Act is one of our landmark statutes. For nearly three decades, it has regulated Government surveillance in a way that protects both our national security and our civil liberties and prevents the Government from abusing its powers. It is because FISA enhances both security and liberty that it has won such broad support over the years from Presidents, Members of Congress, and the public alike. It is important to remember that before this administration, no administration had ever resisted FISA, much less systematically violated it.

When the administration finally came to Congress to amend FISA after its warrantless wiretapping program was exposed, it did so not in the spirit of partnership, but to bully us into obeying its wishes. The Protect America Act was negotiated in secret at the last minute. The administration issued dire threats that failure to enact a bill before the August recess could lead to disaster. Few, if any, knew what the language would actually do. The result of this flawed process was flawed legislation, which virtually everyone now acknowledges must be substantially revised.

I commend the members of the Intelligence Committee for their diligent efforts to put together a new bill. They have taken their duties seriously, and they have made some notable improvements over the Protect America Act.

But their bill is deeply flawed, and I am strongly opposed to enacting it in its current form. This bill fails to protect Americans' constitutional rights and fundamental freedoms.

There are many problems with the bill.

It redefines ''electronic surveillance,'' a key term in FISA, in a way that is unnecessary and may have unintended consequences.

Court review occurs only after the fact, with no consequences if the court rejects the Government's targeting or minimization procedures.

It is not as clear as it should be that FISA and the criminal wiretap law are the sole legal means by which the Government may conduct electronic surveillance.

Its sunset provision is December 31, 2013. For legislation as complicated, important, and controversial as this, Congress should reevaluate it much sooner.

The bill purports to eliminate the ''reverse targeting'' of Americans, but does not actually contain language to do so. For instance, it has nothing analogous to the House bill's provision on reverse targeting, which prohibits use of the authorities if ''a significant purpose'' is targeting someone in the United States.

It does not fully close the loophole left open by the Protect America Act, allowing warrantless interception of purely domestic communications.

It does not require an independent review and report on the administration's warrantless eavesdropping program. Only through such a process will we ever learn what happened and achieve accountability and closure on this episode.

Add it all up, and the takeaway is clear: This bill is inconsistent with the

way FISA was meant to work, and it is inconsistent with the way FISA has always worked.

The Judiciary Committee's FISA bill shows that there is a better way. The Judiciary Committee's version is faithful to the traditional FISA balance. It shares the same basic structure, but it addresses all of the problems I listed above. The Judiciary bill was negotiated in public, which allowed outside groups and experts to give critical feedback. It was also negotiated later in time than the Intelligence bill, meaning we had the benefit of reviewing their work.

Like the Intelligence Committee's bill, the Judiciary Committee's version also gives the executive branch greater authority to conduct electronic surveillance than it has ever had before. Make no mistake, it too is a major grant of power to the intelligence community. But unlike the Intelligence Committee's bill, the Judiciary Committee's version sets some reasonable limits that protect innocent Americans from being spied on by their Government without any justification whatever.

No one should lose sight of how important title I of FISA is. The rules governing electronic surveillance affect every American. They are the only thing that stands between the freedom of Americans to make a phone call, send an e-mail, and search the Internet, and the ability of the Government to listen in on that call, read that e-mail, review that Google search. In our ''information age,'' title I of FISA provides Americans a fundamental bulwark against Government tyranny and abuse. If we enact the title I that is now before us, we will undermine that bulwark.

Unfortunately, the exact same thing would be true if we enact the Intelligence Committee's title II.

The Nation was shocked to learn earlier this month that the CIA had destroyed videotapes showing employees using severe interrogation techniques. The willful destruction of these tapes by the CIA obviously raises serious questions involving obstruction of justice.

But this is not the only coverup that the administration has been involved in lately. President Bush has been demanding that Congress grant retroactive immunity to telecommunications companies that cooperated with the administration's illegal surveillance program. He wants us to pretend that this whole episode never happened.

I oppose granting any form of retroactive immunity to these companies, and I urge my colleagues to support the amendment to strike title II from the FISA bill. Amnesty for telecommunication companies may help the administration conceal its illegal spying, but it will not serve our national security, and it will further undermine the rule of law.

Let's not forget why we are even talking about this issue. At some point in 2001, the Bush administration began a massive program of warrantless spying. New reports suggest that the administration began its warrantless spying even before 9/11. The administration never told Congress what it was doing. In clear violation of the FISA law and in complete disdain for the fourth amendment, it also never told the FISA Court what it was doing.

Because the Bush administration secretly ignored the law, we still do not know how deeply this program invaded the privacy of millions of innocent Americans. The push for immunity by this administration is a push to avoid all accountability for a wiretapping program that was a massive violation of the law.

FISA has been in force for 29 years. It was designed from the beginning to allow flexibility in pursuing our enemies. It was enacted with strong bipartisan support in 1978, and it has been amended on a bipartisan basis some 30 times since then. It has enhanced Americans' security and safeguarded our liberty. Every previous administration has complied with FISA. But the Bush administration apparently decided that FISA was an inconvenience. With the help of certain phone companies, it secretly spied on Americans for years, without any court orders or oversight.

There is still a great deal we don't know about this secret spying, but what we do know is alarming. Numerous reports indicate that it covered not only international communications, but also Americans' purely local calls with their friends, neighbors, and loved ones. A lawsuit in California has produced evidence that at the Government's request, AT&T installed a supercomputer in a San Francisco facility that copied every communication by its customers, and turned them over to the National Security Agency.

Think about that. The National Security Agency of the Bush administration may have been intercepting the phone calls and e-mails of millions of ordinary Americans for years.

The surveillance was so flagrantly illegal that even lawyers in the administration tried to fight it. Nearly 30 Justice Department employees threatened to resign over it. The head of the Office of Legal Counsel, Jack Goldsmith, testified that it was ''the biggest legal mess I had ever encountered.''

Mr. Goldsmith himself acknowledged that ''top officials in the administration dealt with FISA the way they dealt with other laws they didn't like: they blew through them in secret based on flimsy legal opinions that they guarded closely so no one could question the legal basis of the operations.''

Think about that as well. The President's own head of the Office of . Legal Counsel states that the administration's policy has been to ''blow through'' laws it doesn't like, in secret, so that its actions cannot be challenged. The Bush White House has repeatedly failed to understand that our Government is a government of laws, and not of men.

The administration's secret spying program has taken a heavy toll on our country. Its failure to follow the law has made it more difficult for prosecutors to put terrorists behind bars; for intelligence professionals to avoid civil and criminal lawsuits; and for the public to trust its Government. In the name of making us safer, the administration's reckless disregard for the law has made us less safe, and countless Americans fear their rights have been endangered. That sorry record demands accountability, not immunity.

Here is another fact that no one should lose sight of. From the very beginning, telecommunications companies have always had immunity under FISA when they comply with lawful surveillance requests. In fact, the Senate Judiciary Committee worked closely with AT&T, and the company played a major role in drafting FISA's immunity provisions in the 1970s.

To be completely protected from any liability whatever, all a company needs under FISA is a court order or an appropriate certification from the Attorney General. That is it. Just get one of those two documents, and you are off the hook.

So in this debate, let us be clear that we are not talking about protecting companies that complied with lawful surveillance requests. We are talking about protecting companies that complied with surveillance requests that they knew were illegal.

Immunity for the phone companies would be bad policy on many levels. First, it is premature even to be talking about this subject. Even though the President is demanding immunity for companies that may have broken the law, he will not tell all Members of Congress which companies broke the law, how they broke the law, or why they broke the law. He is asking us to legislate in the dark.

Immunity for the telecoms for warrantless wiretapping violates the basic structure and purpose of FISA. The industry helped draft FISA, and they perform a major role under it. Here is how this system was explained in the House Intelligence Committee report on the original legislation:

> Requiring the court order or certification to be presented [to the carrier] before the assistance is rendered serves two purposes. It places an additional obstacle in the path of unauthorized surveillance activity, and, coupled with the provision relieving the third party from liability if the order or certification is complied with, it provides full protection to such third parties.

If phone companies can ignore these requirements, this system of checks and balances collapses. That is exactly what happened here. The telecoms are supposed to provide an essential safeguard for protecting Americans' private information. Because Congress and the courts usually don't know about wiretapping activities, this role of the telecoms is crucial. Immunity for the telecoms undermines the basic design of our surveillance laws.

Instead of undermining those laws, we should apply them in a court of law to discover and punish illegal activities. The administration has used the scare tactic of claiming that lawsuits will jeopardize national security by leaking sensitive information. That argument ignores the fact that the media have already exposed the existence of its warrantless surveillance program and the role of some telecoms in assisting this program. In addition, it would be foolish to assume that the terrorists don't already know that we are trying to intercept their phone calls and e-mails.

The administration's argument also ignores the numerous safeguards used by courts to protect sensitive information. No one is advocating that the NSA disclose its specific methods or targets in open court. Even if someone did seek such disclosure, the Federal courts have procedures that have protected Government secrets for generations.

The administration has also suggested that allowing these lawsuits to proceed might jeopardize national security by deterring phone companies from future cooperation with surveillance requests. This too is sheer nonsense. Under FISA, companies already have absolute immunity for any lawful cooperation. Future companies will be deterred only from cooperating with illegal surveillance requests, which is the whole point of the law. We do not want this shameful episode to happen again.

The phone companies will suffer only the same harm that befalls any company that violates the law. The administration contends that the telecoms may be bankrupted if the lawsuits continue. In other words, the administration is telling us these companies may have engaged in lawbreaking on a scale so massive they could not afford the penalty if they are brought to justice. But massive law breaking is an argument against immunity, not for it. If the concern is the companies' financial health, the answer is not to throw out the rule of law but to legislate reasonable remedies, such as damage caps.

Immunity for the telecoms would also violate basic principles of fairness and justice. The administration repeatedly claims immunity is ''a matter of basic fairness'' because the companies were doing their patriotic duty. That is a strange conception of fairness.

Telecom companies have clear duties under the law. They also have highly sophisticated lawyers who deal with these issues all the time. If a company violated its clear duties and conducted illegal spying, fairness demands it face the consequences.

It is precisely because fairness and justice are so important to the American system of government that we ask an independent branch—the judiciary—to resolve such legal disputes. There is nothing fair or just about Congress stepping into ongoing lawsuits to decree victory for one side and deny injured parties their day in court.

Frankly—frankly—the whole ''patriotic duty'' argument we have been hearing from the White House is hard to take seriously. If the allegations against the telecoms are true, then we are not talking about ambiguous points of law. As a Federal judge remarked in one of the leading cases:

> AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

We are not talking about what happened in the frantic weeks and months immediately following 9/11. We are talking about alleged violations of Americans' rights that went on for 5 years—5 years—in total secrecy, on a scale that has never been approached in our history.

If the telecoms had followed the law instead of the Bush administration, the administration could have come to Congress and obtained any needed changes in the law. In a democracy, it is the job of the legislature to amend laws to fit new circumstances. It is not the job of the legislature to rubber-stamp illegal conduct by the Executive.

Some of the telecoms might have been doing what they thought was good for the country. Some of them might simply have been doing what they thought would preserve their lucrative Government contracts. We simply do not know. But either way, it is not the role of the telecommunications companies to decide which laws to follow and which to ignore. FISA is a law that was carefully developed over many years to give the executive branch the flexibility it needs, while protecting the rights of Americans. It is the companies' legal duty—and their patriotic duty—to follow that law.

Nothing could be more dangerous for Americans' privacy and liberty than to weaken that law, which is precisely what retroactive immunity is meant to do. Yesterday's newspapers disclosed that in December of 2000, the National Security Agency sent the Bush administration a report asserting that the Agency must become a ''powerful, permanent presence'' on America's communications network—a ''powerful, permanent presence'' on America's communications network. Under this administration, that is exactly what the NSA has become. If the phone companies simply do the NSA's bidding in violation of the law, they create a world in which Americans can never feel confident that their e-mails and phone calls are not being tapped by the Government.

Finally, amnesty would stamp a congressional seal of approval on the administration's warrantless spying. If Congress immunizes the telecoms for past violations of the law, it will send the message Congress approves what the administration did. We would be aiding and abetting the President in his illegal actions, his contempt for the rule of law, and his attempt to hide his lawbreaking from the American people. Voting for amnesty would be a vote for silence, secrecy, and illegality. There would be no accountability, no justice, no lessons learned.

The damage will not stop there. The telecommunications companies are not the only private entity enlisted by this administration in its lawbreaking. Think about Blackwater and its brutal actions in Iraq, or the airlines that have flown CIA captives to be tortured in foreign countries. These companies may also be summoned to court one day to justify their actions. When that day comes, the administration may call yet again for retroactive immunity, claiming the companies were only doing their patriotic duty as ''partners'' in fighting terrorism.

The debate we are having now about telecom amnesty is not likely to be the last round in the administration's attempt to immunize its private partners. It is only the opening round. In America, we should be striving to make more entities subject to the rule of law, not fewer. Giving in to the administration now will start us down a path to a very dark place.

Think about what we have been hearing from the White House in this debate. The President has said American lives will be sacrificed if Congress does not change FISA. But he has also said he will veto any FISA bill that does not grant retroactive immunity—no immunity, no FISA bill. So if we take the President at his word, he is willing to let Americans die to protect the phone companies. The President's insistence on immunity as a precondition for any FISA reform is yet another example of disrespect for honest dialog and the rule of law.

It is painfully clear what the President's request for retroactive immunity is about. It is a self-serving attempt to avoid legal and political accountability and keep the American people in the dark about this whole shameful episode. Similar to the CIA's destruction of videotapes showing potentially criminal conduct, it is a desperate attempt to erase the past.

The Senate should see this request for what it is and reject it. We should pass this amendment to strike title II from the FISA bill. Our focus should be on protecting national security, our fundamental liberties, and the rule of law, not protecting phone companies that knew they were breaking the law.

I am second to no one in wanting to make sure our intelligence agencies have all the flexibility and authority they need to pursue the terrorists. We need to pass a FISA bill that will keep America strong and protect our liberty. The bill reported by the Judiciary Committee will do that.

Mr. DODD. Mr. President, will my colleague yield?

Mr. KENNEDY. I will be glad to.

Mr. DODD. Mr. President, I wish to commend the Senator from Massachusetts for his statement this afternoon. He has captured the essence of all this and the importance of the issue in

Title II. He made very many good points. But one point he made said it all: that the President of the United States would veto the FISA legislation if he does not get immunity for the phone companies. This administration would risk the entire law—a law designed to improve our surveillance of terrorists, while respecting privacy—simply to protect a handful of companies. Those are the lengths to which President Bush is prepared to go.

I think the Senator from Massachusetts made this point, but it is worth repeating: Not every company did what the administration asked them to do. There were those that stood up and said: ''No. Give me a court order, and I will comply under the law.'' They should be commended for what they did.

For those that said, ''We were just doing our patriotic duty,'' their legal departments were not made up of first-year law students. They knew what the law was. Yet they may have violated it and are now seeking immunity.

So I commend my colleague. I am going to offer—when I get a chance—an amendment that strikes title II from the legislation. I hope every Senator here supports it. This ought not be about party or ideology. It is about our Constitution.

The FISA law is a good law. It has protected us for almost 30 years. But it should not sanction retroactive immunity for a handful of phone companies that eavesdropped on millions of people's conversations.

So I commend my colleague for his words.

Mr. KENNEDY. Mr. President, I thank the Senator for his comments. I agree it never had to be this way. I can remember back in 1976 President Ford was President of the United States. He had Edward Levi as Attorney General, who was a distinguished Attorney General. This was in the wake of a good deal of abuse we had seen during President Nixon's period of wiretap abuse taking place in this country, which shocked the Nation.

At that time, the Attorney General insisted that we work together, that Congress work together. He called members of the Judiciary Committee down to the Justice Department and took their views into consideration. There was a variety of very sensitive issues about activities involving the Soviet Union and a good deal in terms of embassies in Washington, DC. There was very sensitive information. All of that was worked out with the Republicans and Democrats in the Judiciary Committee, and they passed the FISA bill. There was only one dissenting vote in the Senate—only one dissenting vote—on this proposal.

I must say many of us were enormously disappointed at the beginning of this whole pathway when Attorney General Gonzales came up before the committee and indicated: No, there was not any role to try to work in a constructive way and on a constructive path on this mission. No, there was no place for anyone to get adequately briefed. No, there was no sharing of information. No, there was going to be no—they understood what was going to happen. They understood what was going on. They had all the authority and the power under the executive branch. No, there was not going to be any activity whatsoever in trying to work together.

I have mentioned a variety of different points. But one of those we ought to keep in mind is that with the abuses that have taken place, we are endangering the prosecution of many of these terrorists. This is a real danger. Rather than trying to work that out through a process, with give-and-take, with Republicans and Democrats, in a bipartisan way, working with the Judiciary Committee—the Intelligence Committee obviously has enormous interest and experience; I see my friend and someone we all have such a high regard for, Senator ROCKEFELLER, who has done such a commendable job in this whole area—but not working it out and running off on this pathway, which is gradually being revealed through the national media and the press and through other activities, I think, rather than enhancing our national security, has indeed threatened it.

Mr. DODD. Mr. President, if I may further inquire of my colleague from Massachusetts, I was intrigued to learn how many the Washington Post recorded. I heard no one argue with these numbers. One of the arguments we have heard is that the FISA Court may not have been willing to agree with these court orders to the phone companies—not that that argument was even remotely legitimate.

The Washington Post reports that over the years, there have been over 18,000 requests for FISA court orders. Of those more than 18,000 requests, 5 have been rejected—5. So with over 18,000 requests, for 99.9 percent of those requests, that court has acquiesced to administration appeals 99.9 percent of the time.

So the idea this court was somehow going to serve as an obstruction to the administration's desire to get legitimate information is certainly belied by the statistics. I point that out to my colleague.

Mr. KENNEDY. Mr. President, I thank the Senator.

In the committee, we had some of the members of the FISA Courts testify. They indicated before the committee similar kinds of cooperation they have had in reviewing this, making the Senator's point even stronger. I thank the Senator from Connecticut. There may have been others, but I did notice him to be the first one in the Senate who spoke up on this issue when it first came up, and he has been a very strong protector of our national security and our liberty, and we have all benefited from his comments and his leadership in this area. I thank him for all of his good work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I was in the midst of giving some remarks earlier, and my colleague from California, Senator FEINSTEIN, came on the Senate floor. I know she wanted to share her thoughts, so I yielded the floor to her to allow her to speak. I see my friend and colleague from Missouri is here. I know we have gone back and forth. I understand how this works. I don't know if he has some remarks he wants to give.

Mr. BOND. Mr. President, I am a little bit confused. We certainly don't want to cut short the remarks of our friend from Connecticut, but I thought this was supposed to go back and forth. I believe there is an hour limit under postcloture on time that can be consumed by any Senator. I thought we would go back and forth to enable people on both sides and let the chairman and me perhaps respond where necessary.

Mr. DODD. Fine.

Mr. BOND. I wanted to know, through the Chair, what the procedure is right now.

The PRESIDING OFFICER. There is no order of recognition at this time.

Mr. BOND. All right. Again, I seek recognition, and I thank my colleagues for sharing their views.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I wanted to share a few views on matters that have been just raised. I thought it was important to bring these up. I will have longer remarks when we actually get on the bill.

I appreciated hearing from our colleague, who is an original cosponsor of the first FISA bill, and to learn about the negotiations which went on then. But I was a little puzzled to hear how this bill—this bill, which includes significantly more protections for Americans' civil liberties and constitutional rights—somehow goes back on the original FISA. The original FISA required a court review of targeting of U.S. persons. We have gone far beyond that in this bill. As a matter of fact, the Protect America Act, which he decried, contained all of the protections that were in the original FISA bill.

Now, we have, on a bipartisan basis—I keep emphasizing that the Intelligence Committee, on a bipartisan basis, after being fully briefed—fully briefed—by several elements of the intelligence community—and we asked them questions. We had briefings. We went to the NSA to see how it worked. We went through all of these ideas with them. They said: We understand your objective. Here is how to accomplish it.

I think we have prepared a very good bill that by any fair reading—any fair reading—will extend the protections beyond what the original FISA, and even the Protect America Act, had for the surveillance, electronic surveillance of anybody either in the United

States or a U.S. person abroad. I am very much surprised that he says somehow, this bill, which provides more protection, doesn't provide the basic protections of FISA. I regret to say that is just not right.

I also want to address some questions about immunity which have been brought up. I thought our committee report, a bipartisan product, said it pretty well when talking about why providing immunity—and it is not amnesty because these companies, the companies alleged to have done wrong, did nothing wrong. This is what the Intelligence Committee said. We concluded:

> The providers had a good faith basis for responding to the request for assistance they received. The intelligence community cannot obtain the intelligence it needs without assistance from these companies. Companies in the future may be less willing to assist the government if they face the threat of private lawsuits each time they are alleged to have provided assistance. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation. Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries by revealing sources and methods during the course of litigation, the potential disclosure of classified information puts both the facilities and personnel of electronic communications service providers and our country's continued ability to protect our homeland at risk. It is imperative that Congress provide liability protection to those who cooperated with our country in the hour of need.

Now, there was some talk about article II, and some suggested that the FISA Court would not have—this could not have been approved by the FISA Court. Well, my understanding is the FISA Court knew about it. The FISA Court has acted on this measure, and in one of the few published reports of the FISA Court of Review, In Re: Sealed Case—that is a very compelling and provocative title, but that is the name of the case—it is stated in one of the footnotes dealing with the case that: The Truong case, where a warrantless search of U.S. persons in the United States was approved by the court, the FISA Court of Review said:

> The Truong court, as did all the other courts to have decided this issue, held that the President did have the inherent authority to conduct warrantless searches to obtain foreign intelligence information. It was incumbent upon the court, therefore, to determine the boundaries of that constitutional authority in the case before it. We take for granted that the President does have that authority and, assuming that is so, FISA could not encroach on the President's constitutional power.

The court went on to say:

> The question before us is the reverse, does FISA amplify the President's power by providing a mechanism that at least approaches a classic warrant and which therefore supports the government's contention that FISA searches are constitutionally reasonable.

That is the view of the FISA Court of Review. Everybody is saying, well, we need to find out what the FISA Court of Review has to say about these certifications, about the authorizations. What I just read is what the FISA Court has said. The President does have the power under article II of the Constitution to conduct warrantless surveillances. Once that determination is made, then to go back and say that any company, any U.S. person, or any corporation that got a notice from the Attorney General to carry out an order of the President through the Intelligence Committee to conduct foreign intelligence surveillance is breaking the law is just absolutely beyond the bounds.

I am very sorry we have such a disjoint in the reading and understanding of the constitutional powers. And to say now that these people should be dragged back into court where they will be subjected not only to the potential of large legal bills, the potential loss in terms of any judgment—although I think that is minimal; I don't think anybody is going to be able to show any harm that would warrant the court to grant a monetary recovery—but what they will find, what they will find is great damage to their reputation, as the people who are enemies of the United States go out actively and trash any company or any individual who cooperates with the United States.

There are evil people out there who would love to be able to get information and confirm what companies may have participated. Once that happens, those companies would be at great risk abroad. Their reputations would suffer, and they and their personnel could be at great risk of physical harm.

So there are many good reasons not to bring these cases in court against the providers. Please note, as we have stated before, that this measure only protects the private sector people who might have cooperated. It does not protect Government employees. I hope by clarifying this, people will get a better understanding of why immunity is necessary to protect the legitimate interests of the United States in collecting foreign information.

Many of my colleagues want to speak, so I appreciate the opportunity to clarify the question of immunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I congratulate the distinguished chairman and vice chairman of the Senate Select Committee on Intelligence for what I think is an outstanding product—a bipartisan product. I can't think of an area that is more important for us to act in the interests of our national security in a bipartisan manner than the subject before us today. We should resist with all of our might any impulse or tug that we might feel to emphasize partisan differences, but instead we ought to pull together to try to do what is necessary to keep our eyes open and our ears to the ground when it comes to the collection of foreign intelligence.

Of course, the Foreign Intelligence Surveillance Act was passed in 1978 to ensure that Americans' civil liberties were being protected. At the same time, we made sure we were able to listen to our enemies, which has become even more important today with terrorists taking advantage of the Internet, cellular phones, and other means of communications, and it is critical that we continue to take advantage of every opportunity to detect and deter future terrorists attacks on our own soil.

We were told last August by the Director of National Intelligence—this has been widely published since—that because of some of the archaic provisions in the FISA law, the Foreign Intelligence Surveillance Act, and because it had not kept up with changes in modern technology, that we were being blocked from receiving as many as two-thirds of the communications of one foreign terrorist to another foreign terrorist because of the way these calls were being routed. We were told time and time again that the burdensome requirement of getting the paperwork necessary in order to get a FISA authorization in cases where the Congress never intended to require that sort of authorization, which was required because of these changes in technology, that it was actually causing delays in our ability to get timely information in a way to protect our country and our men and women in uniform serving in places such as Afghanistan and Iraq.

We know the ability to obtain the right information at the right time is of critical importance in our struggle against radical Islamic terrorists who hide among civilian populations and who don't abide by the Geneva Conventions. They don't wear a uniform. They don't recognize a chain of command or the laws of war. They hide among civilian populations and quietly plot deadly attacks against civilians—innocent men, women, and children—as they did on September 11, 2001.

I serve on the Judiciary Committee, so I am very much aware of some of the arguments made during the time we considered this bill on a serial referral against providing immunity to the telephone companies that have cooperated with the President of the United States, the Attorney General, and the intelligence community in facilitating the collection of this actual intelligence.

Mr. President, I think the Intelligence Committee version got it about right. Why in the world would we want to do anything to discourage private citizens, whether they be individuals or corporate citizens, from cooperating in the security interests of our country? This is perhaps analogous to a police officer who knocks on your window and says, I need your car to go capture a dangerous criminal before they do harm to somebody else. Well, if an individual were worried that they would be sued as a result of their being a good volunteer and a good member of the

community in allowing a law enforcement officer the use of their car to capture a dangerous criminal, do you think they would be more inclined or less inclined to cooperate with the lawful authorities? I think it is pretty clear that they would be far less inclined.

If we don't do everything in our power—and it is within our power—to encourage individual and corporate citizens to cooperate in the security interests of our country, then shame on us. To tell them that you are going to have to endure ruinous litigation costs, that you are not even going to be able to defend yourself because some of the evidence is the subject of a State secrets privilege, and you are not even going to be able to explain what you did, while at the same time suffering the reputation damage that they could very well suffer if their participation was known in other parts of the world, is not fair. It is not fair to them and, even more importantly, it is not fair to us because to fail to give them the immunity for their cooperation with the lawful request of the President of the United States, after the Attorney General, the country's chief law enforcement officer, has said this is a lawful request, to fail to give them immunity and protection against that ruinous litigation and damage to their reputation is less than responsible.

I think the thing more likely to protect our security from this point forward is to show citizens who cooperate with the lawful authorities of the U.S. Government to help keep us safe that they are going to be protected against litigation and the vast costs that could be associated with it—not to mention the potential that classified information might become public and be known to our enemies. It makes absolutely no sense not to give that immunity to these individuals and these corporations.

The Protect America Act, which is scheduled to sunset in February, moved our intelligence capabilities in the right direction. But now we need to make those tools permanent. Changes in technology, combined with a court ruling that hampered the intelligence community, required that the Foreign Intelligence Surveillance Act be updated. That is what the Protect America Act was, although it was a temporary patch of about 6 months. Now we need to make those provisions permanent and take this opportunity to further expand and enhance the Foreign Intelligence Surveillance Act to make sure it works in the security interests of the American people, while taking the appropriate protections on American citizens here at home.

In the period between the court ruling that required the Government to obtain FISA orders for foreign intelligence that happened to pass through the infrastructure in the United States and the passage of the Protect America Act, collection of foreign intelligence information decreased by two-thirds. That is what prompted Congress to act in August without further delay, the likelihood that being blind to two out of every three communications between terrorists would likely make us less safe and would make it more likely that they would be successful in killing innocent Americans and our allies. Common sense informs us that this great drop in the percentage of intelligence collection harms our national security efforts.

Of course, as I mentioned, in August we took a temporary patch to close these intelligence gaps and clarify that the intelligence community does have the authority to monitor communications of foreign individuals without receiving a court approval first.

Now is the time for us to make that authority permanent. It has never been required, in listening in to foreign subjects talking to other foreign subjects, to get a court order, and the Protect America Act made that temporary fix. We need to make that permanent.

Some have made arguments which, in the end, would hamper our intelligence capabilities, requiring procedures never before in place. Intelligence community resources—both funding and expertise—are scarce and should be focused in the manner that best protects our national security. Our intelligence analysts should not be distracted from the important job of listening in and using information to deter further attacks by having to fill out a bunch of paperwork, particularly in areas that Congress never intended that they would have to do so.

The Senate and House Democratic Judiciary Committee proposals, I am sorry to say, would greatly hamper our intelligence community. As I mentioned a moment ago, I serve on the Judiciary Committee, and proudly so. Unfortunately, in voting this alternative out of the Judiciary Committee—along strictly partisan lines—I think we failed to meet the standards that were set by the Intelligence Committee version of this bill. Although there are changes that I think need to be made, by and large, the bipartisan vote in the Intelligence Committee—their product was superior to the product out of the Judiciary Committee.

The House bill would require court orders for foreign targets in foreign lands—something that has never been required in the 30 years since FISA was enacted and would completely reverse the important reforms, albeit temporary, we made a few months ago.

Delays inherent in obtaining court approval could, in fact, put American security interests in jeopardy.

Here is a concrete example. This last summer, three American soldiers were thought to be kidnapped by al-Qaida in Iraq. Because of delays in obtaining emergency authorization under the Foreign Intelligence Surveillance Act, our intelligence community was unable to set into place surveillance that may have saved the lives of these soldiers on May 12, 2007. There was a 10-hour delay while the authorities did the paperwork necessary for them to listen in on communications they never should have been required to get a FISA order to listen to in the first place—clearly, foreign-to-foreign communications. Instead, PFC Joseph Anzack was found dead a few weeks later in the Euphrates River, and an al-Qaida subsidiary claims to have killed and buried SPC Alex Jiminez and PFC Byron Fouty. Those 10 hours of delay, I believe, contributed to the deaths of these 3 American soldiers. If they hadn't been required to wait 10 hours to do the paperwork, I think there was a better chance that they could have been found safely and returned to the arms of their loved ones.

One of the key lessons the 9/11 attacks taught us was that we have to do a better job of connecting the dots. Erecting more walls and barriers to the collection and sharing of intelligence material ignores this important lesson and gives our adversaries an unacceptable tactical advantage, needlessly placing Americans in greater danger of another attack instead of doing everything within our power to keep them safe.

Unlike members of the Senate Intelligence Committee, I am sorry to say that House Democrats refused to work with committee Republicans, or with the Director of National Intelligence and the Department of Justice. How the House committee—or for that matter, the Senate Judiciary Committee—could hope to fashion a sensible, workable product without consulting with either the Department of Justice or the Director of National Intelligence is beyond me. I congratulate the members of the Senate Intelligence Committee on working so carefully, over a long period of time, in consultation with the appropriate authorities, to come up with a bipartisan product—one that I concede is not perfect, but no legislation is perfect.

We are going to be talking about ways that I think we can improve even that bill. But the Senate, unfortunately—the Judiciary Committee—saw important suggestions from the Intelligence Community rejected, again, along partisan lines. No attempt was made to craft a bipartisan proposal. Instead, the committee chose to come up with a party-line vote that raised serious operational concerns.

By working with the intelligence community, the Senate Intelligence Committee was able to provide the intelligence community with more flexibility in gathering foreign intelligence. This Senate bill will allow the Attorney General to authorize targeting persons outside of the United States to acquire this necessary information. No longer will they be required to go to the FISA Court for an approval to target foreign terrorists and spies overseas. This will ensure that our intelligence community has the agility and the speed it needs to collect actionable intelligence at a time when it counts.

The Senate bill does not restrict the types of foreign intelligence that may be collected. It also streamlines the Foreign Intelligence Surveillance Act, providing for more efficient, timely processing of FISA applications.

These are only a few examples of the tools the authors of the Senate Select Committee on Intelligence learned that the intelligence community needs to make our country safer, simply by working together across the aisle in a way that protects the American people more. They are to be applauded and congratulated for that effort.

When the security of our country is at stake, we should consult the very people in the best position to know what they need to make sure that they have the tools necessary, without causing unintended negative consequences.

We should learn from the bipartisan lead of the Senate Intelligence Committee and work with them to craft a responsible, bipartisan bill that keeps our eyes and our ears open, allows us to listen to our enemies, and will help us protect Americans against future terrorist attacks on our own soil and in places where Americans are located around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, as a member of the Senate Intelligence Committee, I am aware that down at the Old Executive Office Building there are large stacks of documents, including the Justice Department legal opinions, that relate to the warrantless wiretapping program and letters from our Government to the telecommunications companies.

I have read these materials. But most Members of the Senate have been prohibited from being able to read these vital documents. I believe that a Senator who was allowed to read these materials would be astounded to see how flimsy the Government's case is on behalf of the warrantless wiretapping program.

The administration has fought tooth and nail to keep almost every Member of this body, and the entire membership of the other body, from being able to read these materials. I believe every Senator who has not read these documents ought to insist on their right to be able to read them before the Senate casts this critical vote. Having read these documents, I can say, as one Member of the Senate Intelligence Committee, that nothing in any of these opinions has convinced me that the administration's warrantless wiretapping program was legal. Now that the existence of the program has been confirmed, I can see no national security reason to keep most Members of the Senate from being able to see these materials. As far as I can tell, these materials are being classified in order to protect the President's political security, not our national security.

The Intelligence Committee has also reviewed written correspondence sent to certain telecommunications companies by the Government. I cannot get into the details of this correspondence, but I can say I am totally unconvinced, on the basis of having read these materials, that Congress should grant total immunity to the companies.

For years, there have been a number of laws on the books, such as the Wiretap Act, the Electronic Communications Privacy Act, and, of course, the Foreign Intelligence Surveillance Act. Together, they make it very clear that participating in a warrantless wiretapping program is against Federal law.

Many of my colleagues have argued that any companies that were asked to provide assistance after September 11 should be treated leniently since that was a period of national confusion and great fear. I think this argument personally has some merit, but the bill that was reported by the Intelligence Committee would not just grant immunity for 6 months or 1 year after September 11; it would grant immunity for actions taken up to 5 years after the attack. I think that is far too long, and I am going to briefly explain why.

If a phone company was asked to participate in warrantless wiretapping in the weeks after September 11, it is understandable that executives might not have had the time to question assertions from the Government that the wiretapping was legal. But that doesn't give the executive a free pass to participate in warrantless wiretapping forever and forever. At some point over the following months and years, this phone company executive has an obligation to think about whether they are complying with the law, and as soon as they realize they have not been in compliance, they have an obligation to stop it.

In the months and years following September 11, it should have been increasingly obvious to any phone company that was participating in the program that it just might not be following the law. For starters, in the week after September 11, Congress and the President got together to revise the Foreign Intelligence Surveillance Act, including the wiretapping provisions. But the Congress did not change the sections of the statute that state warrantless wiretapping is illegal. That, in my view, should have been a huge red flag to any phone company that was participating in this program.

Next, in the summer of 2002, the Director of the NSA, General Hayden, appeared before the Intelligence Committee in open session and testified about the need to get warrants when someone was inside the United States. I am sure General Hayden would argue that he was parsing his words carefully, but at a minimum, it was clear at this point that most of the Congress and most of the American people believed warrantless wiretapping was illegal.

The President has argued that the program was authorized through his Commander in Chief authority. But in the spring of 2004, the Supreme Court issued multiple rulings clearly rejecting this idea, and the President cannot do whatever he chooses to do. These rulings also have been giant red flags for any phone company engaged in warrantless wiretapping.

Finally, as the Intelligence Committee's recent report noted, most of the letters requesting assistance stated that the Attorney General believed the program was legal. But, as our report points out, one of the letters did not even say the Attorney General had approved. I have read this letter, and I believe that once again it should have set off loud alarm bells in the ears of anybody who received it.

In my view, as the years rolled by, it became increasingly unreasonable for any phone company to accept the Government's claim that warrantless wiretapping was legal. By 2004, at the very latest, any companies involved in the program should have recognized that the President was asking them to do things that seemed to be against the law.

The former CEO of Quest has said publicly that he refused requests to participate in warrantless surveillance because he believed it violated privacy statutes. I cannot comment on the accuracy of this claim, but I hope our colleagues will stop and think about its implications.

I also encourage my colleagues to insist on their right to see the communications that were sent to the telecommunications companies. My own view is, when they read these letters, if they are given a chance to read them, these letters seriously undermine the case for blanket retroactive immunity.

The legislation that passed the Intelligence Committee would grant immunity long past the point at which it was reasonable for the phone companies to believe the Bush administration. It would even grant immunity stretching past the point at which the program became public. By the beginning of 2006, the program was public and all of the legal arguments for and against warrantless wiretapping were subject to open debate. Clearly, any companies that participated in this program in 2006 did so with full knowledge of the possible consequences.

I cannot see any reason at all why retroactive immunity should cover this time period. When the Senate Intelligence Committee voted to grant total retroactive immunity, I voted no because I believed it was necessary to take more time to study the relevant legal opinion as well as the letters that were sent to the communications companies.

I have long felt that it is possible to fight terrorism ferociously and still address the civil liberties needs of our citizens. Now that I have studied these documents, I am convinced that granting 6 years of total retroactive immunity is not justified and it is not justified in the name of striking that crucial balance between fighting terrorism

aggressively and protecting the individual liberties of our citizens.

I very much want to support this essential legislation. Chairman ROCKEFELLER is here. He has done very good work, along with the distinguished vice chairman, Senator BOND, on what I think is the central issue of this debate, and that is modernizing the FISA law to make sure that now it is possible to apprehend the communications of dangerous individuals overseas who are foreigners.

The administration came to our committee and made a very reasonable case that the statute has not kept up with the times. Under the leadership of Chairman ROCKEFELLER and the vice chairman, Senator BOND, we went to work, and we went to work in a bipartisan way to address that concern. That was the original concern of the Bush administration, that the statute had not kept up with the times and it wasn't possible to get the communications of foreigners overseas. Under the leadership of Chairman ROCKEFELLER and Vice Chairman BOND, that issue was dealt with, and it was dealt with to the satisfaction of the Bush administration.

But the Bush administration wouldn't take yes for an answer. After the distinguished chairman of the committee and the vice chairman and all of us on a bipartisan basis went to work to try to address the reasonable concern of the Bush administration—that the statute had not kept up with the times—that wasn't good enough for the Bush administration. So that is when we were presented with the proposition that we had to have total retroactive immunity for the phone companies. Years after the administration had said how legal the program was, after we dealt with the administration's original concern about the surveillance statute, they came in and asked for something else—this total grant of immunity. In fact, most members of the Intelligence Committee would not even have gotten to see the documents I had seen had it not been for the fact that Chairman ROCKEFELLER and Vice Chairman BOND insisted on our right to do so.

This is an issue of enormous importance. I am very glad our colleagues have come to the floor to take the time to go through it. I suggest that every Member of the Senate who has not had the right to see those documents at the Old Executive Office Building ought to insist on their right to see those documents before they cast this vote. I think they will be flabbergasted at how flimsy the legal analysis is to justify this program.

Mr. President, I see my colleague, the distinguished Senator from Connecticut, on his feet. If I might, I would like to make one additional point, and then I will be happy to yield to my friend.

Mr. DODD. Mr. President, on this last point: obviously we are in public session, and the last thing I want to do is have the Senator from Oregon talk about what is in these documents; he cannot do that. But I am struck by the passion with which he just spoke about those documents and the value of having Members of this body see them, particularly considering the vote we are about to cast.

If this bill is adopted with retroactive immunity, then this issue disappears; it goes away forever. There will be no court proceedings, nothing. We will never have the opportunity to know until, perhaps, some of these documents might be released decades down the road under the Freedom of Information Act.

But I am struck by the Senator's passion in arguing that if people read these documents and saw them, they would have a very difficult time supporting the provision in this bill that grants retroactive immunity. Is that the suggestion the Senator has made by those comments?

Mr. WYDEN. That is my view, and I find particularly objectionable—and the Senator from Connecticut has touched on it—you would automatically assume that every Member of this body—we know all of our colleagues; I trust all of them explicitly with respect to protecting our national security—you would think they would certainly have a right to see those documents before this vote is to be cast. That is not the case. In fact, the only reason members of the Intelligence Committee got to see them was because of the outstanding work of Chairman ROCKEFELLER and Senator BOND, who battled for my right to see those documents.

Mr. DODD. As a senior member of the Foreign Relations Committee, I do not have the right to see these documents?

Mr. WYDEN. That is correct. That is absolutely correct.

Mr. DODD. Mr. President, with 26 years in the Senate and as a senior member of the Foreign Relations Committee, I do not have the right to see these documents?

Mr. WYDEN. The Senator is right. And we have in the chair serving as Presiding Officer of our distinguished body the Senator from Virginia, a decorated veteran. My understanding is he does not have the legal right to see these documents prior to the vote; that they were only made available to members of the Intelligence Committee and perhaps several others in the leadership. I think that is wrong. I think every Member of this body ought to insist on their right to be able to go down to the Old Executive Office Building and read the documents I have read, which I believe offer an extraordinarily skimpy case for total retroactive immunity.

I hope we will have a chance to discuss this issue further. I appreciate the Senator from Connecticut making the point that he has with respect to his seniority in the body, his membership on key committees, such as the Senate Foreign Relations Committee, and he is not provided the legal right to see these documents before he casts this vote.

I wish to discuss briefly one other amendment which has come up during the course of the morning, and that is an amendment I offered in the Senate Intelligence Committee which won bipartisan support in the Intelligence Committee addressing the rights of Americans who travel overseas. I offered it with the distinguished Senator from Wisconsin, Mr. FEINGOLD, and the distinguished Senator from Rhode Island, Mr. WHITEHOUSE. It was approved when the Intelligence Committee voted on that matter on a bipartisan basis.

Most of our citizens are probably not aware that the original Foreign Intelligence Surveillance Act only provided protections for Americans inside the United States and that it does not cover Americans who travel overseas. So if the Government wants to deliberately tap the phone calls of a businesswoman, for example in Roanoke, VA, or an armed services member in Pendleton, OR, the Government has to go to a judge, present evidence, and get a FISA warrant. But if that businesswoman or that serviceman is sent overseas, the Attorney General can personally approve the surveillance by making his own unilateral determination of probable cause. In my view, this formulation makes no sense at all. In the digital age, the rights and freedoms of individual Americans should not be dependent on physical geography. That is why I offered the amendment in the Intelligence Committee that would make it clear that Americans have the same rights when they travel overseas as they do inside the United States.

Now, some have raised concerns that my amendment may have unintended consequences. I certainly don't want to see that, and so I have worked with Members of this body, particularly Senators ROCKEFELLER and BOND, to address those concerns. We have made it clear that we are open to technical changes in the proposal so that there will not be the prospect of any unintended consequences, while at the same time protecting the rights of our citizens who travel overseas. Our staffs have been working for many weeks on a potential managers' amendment which would preserve the original intent of the provision, which is very straightforward, and that is to give Americans overseas the same legal protections they have in the United States to the maximum extent possible and to the maximum extent consistent with national security.

We have made progress, Mr. President, on this issue, but we are not quite there yet. I have gotten varying reports as to what may constitute a managers' package with respect to this legislation, but I consider the matter of the travel rights of Americans so fundamental in the digital age, it would be my intent to object to any unanimous consent agreement that waters down these travel rights of law-abiding Americans during these crucial days.

I continue to remain hopeful that, working closely with the distinguished chairman of our full committee, Senator ROCKEFELLER, and the vice chairman, Senator BOND, who is not on the floor, we can reach an agreement. All sides are working in good faith, but without the proper language on this matter, which I do think is once again fundamental to striking that balance between fighting terrorism aggressively and protecting individual liberty, without this amendment I would have to object to any unanimous consent agreement in a managers' package which didn't address the amendment that won bipartisan support in the committee. I hope it will not come to that, and I want to make it clear again to the chairman of the full committee, Senator ROCKEFELLER, and to the vice chairman that I intend to work very closely with them in the upcoming hours to see if we can work this out so I will not have to object to the managers' amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

BURMA DEMOCRACY PROMOTION ACT OF 2007

Mr. MCCONNELL. Mr. President, later today we hope to clear the Burma Democracy Promotion Act of 2007. This legislation, which ratchets up our already tight sanctions against the Burmese junta, has bipartisan support in the House and Senate and comes at a critical time for the suffering people of Burma.

I am pleased to be joined by Senator BIDEN, the chairman of the Foreign Relations Committee, on this legislation, who has been an ally of mine on other sanctions legislation, and by Senator FEINSTEIN, as always in the forefront of any issue related to Burma. The Burmese people have no greater friend than Senator FEINSTEIN. Sixteen other cosponsors have offered their support to this important and timely bill.

The Senate bill would take a number of steps. It would first put in place new financial sanctions and an extended visa ban on senior junta officials. It would close existing loopholes that allow indirect importation of Burmese gems and timber, and it urges an international arms embargo on Burma, which faces no external military threats.

This legislation would also establish a special representative and policy coordinator for Burma, appointed by the President and subject to Senate confirmation. The United States is fortunate to already have a stellar chargé d'affaires in Rangoon. However, her focus is, as it should be, on bilateral relations with Burma. The new envoy would help to ensure that U.S. diplomacy is multilateral in scope, sustained, and fully coordinated with other international efforts.

Now, the House passed its version of enhanced Burma sanctions last week. I am hopeful the two bodies will soon reconcile these bills so we can get this legislation signed into law.

Mr. President, the entire world was inspired by the brave Burmese protesters who peacefully protested for justice earlier this year, and we were appalled at the violent Government reprisals that followed. We mourn the dead, and we pray for those who are still missing.

Since those sad days, a fickle news cycle has moved on to other matters. But with this legislation, we show that the U.S. Congress has not forgotten the people of Burma, and neither has the administration, as witnessed by the strong leadership of the First Lady on this issue. It is my hope the U.N. Security Council has an equally long memory and will soon take up and pass an arms embargo against the Burmese regime. In the end, multilateral sanctions are the most effective means of pressuring this regime to change its misbegotten course. With this legislation, we aim to lead by example. Our hope is that others will soon follow.

Mr. President, I yield the floor.

Mr. WYDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 39 minutes remaining under cloture.

Mr. WYDEN. Mr. President, I choose to yield the remainder of my time to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank my colleague from Oregon. I thank him for his eloquent statement and for his admonition as well about the importance of these documents and how relevant they are to the discussion—and the inability of most of us here to have any idea what is in them. I admire the Senator from Oregon for insisting on his right to see them and therefore sharing with us at least in general terms the substance of those documents and their relevance to the request for seeking retroactive immunity, going back 5 years. I think his comments should carry great weight with our colleagues on both sides of the aisle. As he has pointed out so many times, these issues should never be associated with partisan debate.

The idea of striking that balance between security and protecting the rights of individuals was exactly the motivation for the original FISA legislation almost 30 years ago. As the Senator from Massachusetts, Mr. KENNEDY, pointed out, there have been 30 modifications to that legislation over 30 years in order to make it relevant. As the world changed and technology improved, it was important to modify that legislation so we would have the capacity to minimize the threats against our Nation.

Earlier today, Mr. President, I began some comments and interrupted them when I allowed the Senator from California, Mrs. FEINSTEIN, to make her remarks. I want to pick up where I left off.

Mr. President, both versions of the bill—that is, the version prepared by my friend from West Virginia, Senator ROCKEFELLER, and Senator BOND, and the version prepared by the Senate Judiciary Committee—authorize the President of the United States to conduct overseas surveillance without individual warrants. I think that needs to be repeated. You can conduct overseas surveillance without individual warrants. That is not the subject of the debate here at all. Both of these bills allow the President to submit his procedures for this new kind of surveillance for the review of the FISA Court—after those procedures are already in place. But only one version of the bill balances these significant new procedural powers with real oversight from the Congress and the courts, and that is the Judiciary Committee version.

I say respectfully that the version by the Intelligence Committee, I am afraid, is a bill of token oversight and weak protections for innocent Americans, and the Senate ought to vote it down. Specifically, the bill fails on five counts.

First, its safeguards against the targeting of Americans—its minimization procedures—are insufficient. It significantly expands the President's surveillance power, while leaving checks on that power unchanged. This version of the bill provides practically no deterrent against excessive domestic spying—no consequences if the court finds the President's minimization procedures, in fact, lacking. If his targeting procedures are found lacking, the President hardly has to worry; he can keep and share all the information he obtained, and he can continue his actions all the way through the judicial review process, which could take, of course, months.

It should be clear to all of us that real oversight includes the power to enforce. The Intelligence Committee's version of this bill offers us the semblance of judicial oversight but not the real thing. Imagine a judge convicting a bank robber and then letting him keep the loot as long as he promises to never, ever, ever do it again. That might as well be the bill before us. In fact, the bill before us would allow the President to immediately target anybody on a whim. Wiretapping could start even before the court has approved it. In this bill, oversight is exactly where the President would like it—after the fact.

Don't get me wrong: when a President needs immediate emergency authority to begin wiretapping, he should have it. If you need it immediately, you ought to get it immediately. I think all of us find that obvious. The question is what to do in those cases that aren't emergencies. In those cases, I believe there is no reason the court shouldn't give advice and approval beforehand. President Bush disagrees. He believes in a permanent emergency.

Second, the Intelligence Committee bill fails to protect American citizens

from reverse targeting—the practice of targeting a foreign person on false pretenses, without a warrant, in order to collect the information of the American on the other end of the conversation.

Admiral McConnell said:

> Reverse targeting is not legal. It would be a breach of the Fourth Amendment.

He is absolutely correct, of course, which is why it is so vital that this bill contain strong, enforceable protection against it. This bill doesn't have one.

Thirdly, this bill, while purporting to end warrantless wiretapping of Americans, might actually allow it to continue unabated. That is because it lacks strong exclusivity language—language stating that FISA is the only controlling law for foreign intelligence surveillance. With that provision in place, surveillance has a place inside the rule of law. Without it, there is no such guarantee.

Who knows what specious rationale of this or any other future administration might cook up for lawless spying? The last time, as we have seen, Alberto Gonzales laughably tried to find grounds for warrantless wiretapping on the authorization of force against Afghanistan. Those are the legal lengths to which the administration has proved it is willing and able to go.

What next? Without strong exclusivity language, that question will remain hanging over all our heads.

Fourth, unlike the Judiciary version of the bill, the Intelligence version lacks strong protections against bulk collection—the warrantless collection of all overseas communications, a massive dragnet with the potential to sweep up thousands or millions of Americans without cause. Today, bulk collection is infeasible, but Admiral McConnell said:

> It would be authorized, if it were physically possible to do so.

Before any administration has that chance, we should clearly and expressly prohibit such an unprecedented violation of privacy. This bill fails to do that.

Fifth and finally, this bill stays in effect until 2013, through the next Presidential term and into the next one. Compare that to the 4-year sunset in the Judiciary version. I believe that, when making such dramatic changes to the Nation's terrorist surveillance regime, we should err on the side of caution. Once the new regime has been tested, once its effectiveness against terrorism and its compromises of privacy have been weighed, we deserve to have this debate again. It will, I predict, be a much less speculative and more informed debate. The Judiciary bill is wise not to put it off any longer than necessary.

I oppose this legislation on these five counts for the same reason I oppose retroactive immunity—because when the President's power is strongest, the rule of law should be the strongest, as well. The Intelligence Committee's bill means more power and less law. It reduces court oversight nearly to the point of symbolism. It would allow the targeting of Americans on false pretenses. It opens us to new, twisted rationale for wireless wiretapping, the very thing it seeks to prevent. It could allow bulk collection as soon as the administration has the wherewithal to build such an enormous dragnet. And it sets all of these deeply flawed provisions in stone for the next 6 years.

In sum, this is entirely too trusting a piece of legislation. With its immunity, with its wiretapping provisions, it answers George Bush's, ''Trust me,'' with an all too eager ''Yes!''

I leave my colleagues with a simple question: Has that trust been earned?

I don't know how many of my colleagues have ever seen the wonderful movie ''A Man For All Seasons,'' the story of St. Thomas More. There is a wonderful scene in that movie in which More is asked whether he'd be willing to cut down every law in England to get his hands on the devil.

And More replies, absolutely not. ''When the last law was down, and the Devil turned 'round on you, where you hide, the laws all being flat? This country is planted thick with laws, from coast to coast—Man's laws, not God's! And if you cut them down . . . do you really think you could stand upright in the winds that would blow then?''

Maybe we could find excuses for every one of this president's abuses of power: ''It was just a little overreach.'' ''You just have to give a little.''

But if you do that day after day, week after week, month after month, year after year, all of a sudden you look up to find that all of the laws have been cut down, that there is nothing to protect us from the winds. Before that day comes, Mr. President, we must draw a line. I am here today to draw it.

So I will do everything I can to see to it that this bill does not go forward. Unless retroactive immunity is struck, I will resist this bill with all the tools available to me as one Member of this body. We can do better than this.

This goes beyond ideology—or at least it should. We all care about the security of our country; the FISA law protects that security, and it protects our privacy at the same time, from those who would overreach.

We have struggled to strike that balance throughout our history. Today, it is more important than ever that we stand firm in our determination not to give up or erode these very rights that are critical for our security.

The idea that we can become more secure by giving up rights is fundamentally flawed. It needs to be addressed on every possible occasion. It is a dangerous notion. It is a totally false dichotomy. It needs to be defeated as an idea.

When we insist upon our rights, we only grow stronger. We know it can be done. For 30 years now, this law has worked well. It needs to be modernized, clearly, to protect us against those who also have access to modern techniques to do us great harm and injury. But this is not a battle between those who want to keep us secure and those who want to keep our rights. It is a battle about whether we understand that we are more secure precisely when we protect these rights.

A year ago, when the Military Commissions Act came up for a vote, I felt very strongly about it. I spoke against it. I voted against it. The idea of walking away from habeas corpus, the idea of allowing torture, the idea of walking away from the Geneva Conventions—I regretted deeply then that I didn't do what I am prepared to do today, and that is to vigorously fight against that legislation.

I think most of us today recognize what a great mistake that was, to give away those rights. I think most of us recognize how it hurt our country. I am determined not to let that happen again. As long as it takes, I will stand here and insist that we need to strip immunity out of this bill.

I am prepared to listen to ideas about putting caps on liability, to prevent the telecom companies from paying outrageous fees. But if we grant this immunity, we will never know whether their actions were right or wrong.

Then why not your medical records the next time? Why not your financial records? What is the difference? If I can reach in and listen to your phone conversation, why not grant immunity to someone who would like to know your medical records or financial records? Why not grant immunity to companies that would turn over those documents? Where do you stop? Where do you put your foot down and say, ''That is not right''?

Today it is the phone records. Today it is the phone conversations. It is e-mail traffic—without a warrant. So why not the next step? If we don't put our foot down and stand up, we will be faced with the argument that we have already granted it. We established the precedent; 75 Senators, Democrats and Republicans, agreed we ought to provide that immunity. That argument will be heard, as it has been heard on the Military Commissions Act.

I respect immensely the work of the people who spent a lot of time on these issues. But this is a critical moment. They don't happen every day; but this is an important one. This goes right to the heart of who we are. This is not about selling our souls. It is about giving them away, if we don't stand up for these rights.

So I look forward to continuing debate and discussion on this vital issue.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have listened very closely to the remarks of my dear friend from Connecticut. I have a lot of respect for him. However, it was an easy thing for 13 members of the Senate Select Committee on Intelligence to vote to grant retroactive immunity to companies that patriotically

adhered to legal letters to provide the means whereby we might be able to protect citizens in this country and perhaps all over the world.

Because of that work, we have been able to protect this country in ways that most people will never know because this area is one of the areas that we don't talk about. It is, this whole area, highly classified. We can talk about the law here.

Close inspection of the lawsuits against the telecoms reveals dubious claims. The plaintiffs have confused speculation for established facts. This is dangerous and the continuation of these lawsuits could lead to serious consequences for our national security.

It is very simple—Congress should not condone oversight through litigation.

A quick scan of what plaintiffs seek in many of these cases should send a chill down our spine. They are not, as many are suggesting, simply saying: ''You went along with the President's Terrorist Surveillance Program, now give us money.'' Rather, the lawsuits seize on the President's brief comments about the existence of a limited program to go on a fishing expedition of NSA activities. But this is really worse than a fishing expedition; this is draining the Loch Ness to find a monster. Sometimes what you are looking for just doesn't exist.

The lawsuits represent irrational fears of Government conspiracy, and seek to expose classified information, regardless of who is harmed in the process.

We all realize that the sources and methods our intelligence community utilizes to conduct surveillance are highly classified. The risks that classified details could be revealed through these lawsuits are severe. Remember, the very point of these lawsuits is to prove plaintiffs' claims by disclosing classified information.

Our enemies have tough decisions to make regarding how they communicate. They can't stay silent forever, and they have to weigh the need to communicate against the chance that their communications are intercepted. Given this, they are carefully watching us and reading every proceeding to see how our government collects information. If they think they see a weakness in our collection capabilities, they will certainly try and take advantage of it.

Given the legitimate problems that these lawsuits pose, the Senate Intelligence Committee adopted a bill which will alleviate them. The committee worked in a bipartisan manner to craft an immunity provision that met the needs of Congress, the Government, and the American people.

In an overwhelmingly bipartisan tally, the committee voted to include retroactive immunity for service providers that were alleged to have cooperated with the intelligence community following 9/11. Senators from both sides of the aisle, after careful consideration, came to this conclusion. Make no mistake, this was the right conclusion.

It was the right conclusion for the Intelligence Committee, and it should be the right conclusion for the full Senate today.

Our Senate Intelligence Committee has already noted that the intelligence community cannot obtain the intelligence it needs without the assistance of these companies. It goes without saying, companies in the future will certainly be less willing to assist the Government if they face the threat of extremely costly lawsuits each time they are alleged to have provided assistance.

The companies will shy away. Their attorneys will scour future Government requests, feverishly looking for any technicality to avoid compliance. And even if these private attorneys approve future participation, the company will have to listen to cautious stockholders, whose financial interests will undoubtedly make them adamantly opposed to situations which could lead to any financial risk or exposure.

But let's be clear: The telecoms are not threatening anyone. They are not saying ''do this, or we will never help you again.'' But, they don't need to say these things for us to understand the obvious. If the financial foundations of these companies crumble due to frivolous litigation, they will rebuild it to withstand future Government requests that may again lead to their collapse.

Now some have asked a valid question: If the companies did not break the law, why do they need immunity? Quite simply, the Government's assertion of the state secrets privilege prevents these companies from defending themselves.

This assertion by the Government is absolutely essential, as the possible disclosure of classified materials from ongoing court proceedings is a grave threat to national security. Simply put, you don't tell your enemies how you track them. This is why the NSA and other Government agencies won't say what they do, how they do it, or who they watch. Nor should they! To confirm or deny any of these activities, which are at the heart of the civil lawsuits, would harm national security. We should not discuss what our capabilities are.

Given the necessity for the state secrets privilege, the drawback is that the companies being sued are forbidden from making their case. In fact, the companies cannot even confirm or deny any involvement in the program whatsoever. They have no ability to defend themselves, and that is after patriotically doing what has to be done to protect each and every citizen in this country.

Ordinarily, these companies would be able to address allegations and make their case. However, the classified nature of the topic means the companies are not free to do so. They cannot even have discussions with shareholders or business partners.

But we need to remember, lawful silence does not equate to guilt. There is no guilt here. These are companies that cooperated with the Federal Government in helping us track terrorists to protect our citizens.

The identities of any company that assisted the Government following the attacks of September 11 are highly classified. While there have been numerous allegations, they are nothing more than accusations. If the identities of these companies are revealed and officially confirmed through litigation, they will face irreversible harm: harm in their business relations with foreign governments and companies and possible harm to their employees both here and abroad, who are truly soft targets for terrorist attacks.

My admiration and respect for the companies that did their part to defend Americans is well known. As I have said in the past, any company that assisted us following the attacks of 9/11 deserves a round of applause and a helping hand, not a slap in the face and a kick to the gut.

When companies are asked to assist the intelligence community based on a program authorized by the President and based on assurances from the highest levels of Government that the program has been determined to be lawful and necessary, they should be able to rely on those representations. For those who argue we need a compromise, let me be clear: We already have a compromise. The Government certainly wanted more than what is represented in this Intelligence Committee bill. And they did not get all they wanted. I think they should have. The chairman of the Senate Select Committee on Intelligence stated the following in the Intelligence Committee report:

> This immunity provision is not the broad and vague immunity sought by the administration. The committee did not endorse the immunity provision lightly. It was the informed judgment of the Committee after months in which we carefully reviewed the facts in this matter. The Committee reached the conclusion that the immunity remedy was appropriate in this case after holding numerous hearings and briefings on the subject and conducting a thorough examination of the letters sent by the U.S. Government to the telecommunications companies.

That is after numerous top-secret Intelligence Committee hearings. The immunity provisions in this bill are limited in scope. Not everyone will be happy with them, and that is the whole point. I, for one, wanted to see more protections for companies and Government officials in this bill. But I am willing to accept a compromise. My colleagues should be willing to do the same.

We are not all getting what we want. We are getting what the public needs for its protection. I will continue to oppose any efforts to weaken the Rockefeller-Bond immunity provision.

For nearly 2 months, Congress and the public have had the ability to review the immunity provisions in this

bill. Today we are hearing a great deal about how the Intelligence and Judiciary Committees handled the immunity provision. So let's look at how they voted.

The Intelligence Committee rejected an amendment to strip immunity from the bill, 12 to 3, and the committee voted to favorably report the bill, including the immunity provision, 13 to 2.

In addition, the Judiciary Committee rejected an amendment to strike the immunity provision from the bill, 12 to 7. What do all those votes have in common? They supported immunity and they were bipartisan. How many times are we going to hear about alternatives to S. 2248 which simply do not address the problem? How many trial balloons are going to be released? The first alternative we heard was the Government should indemnify the companies following possible adverse rulings in the cases.

There are myriad reasons why this option was lacking. The idea of indemnification apparently was not well received, as we now hear very little discussion of it. So let us call indemnification the first trial balloon to pop.

The next alternative we heard was the Government should be substituted in place of the companies being sued. But this alternative was full of problems, given that there is no way to remove the companies from the litigation. Remember, it is their very conduct that is in question. In order to try to prove their claims, plaintiffs will continue to seek discovery, including: document requests, depositions, interrogatories, technical data, trade secrets, proprietary company information and confidential, secret and highly classified information and the list goes on and on.

Obviously, the companies would still face many burdens of litigation, even though they are not parties because the Government is substituted for them.

This idea has also been skeptically viewed and the Judiciary Committee on Thursday rejected an idea in a resounding 13 to 5 bipartisan vote. So let's call Government substitution the second trial balloon to pop.

Now we are hearing another alternative which would dramatically expand the jurisdiction of the Foreign Intelligence Surveillance Court, and utilizes ambiguous terms such as ''objectively reasonable belief.''

The FISA Court was not created to review classified programs or the conduct of private companies. This new proposed alternative would completely revise the mission of the FISA Court, putting them in a role they have not had in their nearly 30 years of existence. This judicial expansion should be the third trial balloon to pop.

How long are we going to entertain inadequate alternatives and appease fringe political groups? Is it not time that we embrace the bipartisan compromise that puts the interest and safety of Americans over political interests? How long will it take? Are we willing to take that stand?

Let me also take a few minutes to unequivocally state my opposition to the Judiciary substitute. One of the basic requirements of any FISA modernization proposal is we should not have any provisions which could be interpreted as requiring warrants to target foreign terrorists overseas.

Quite simply, foreign terrorists living overseas should never receive protections provided by the fourth amendment to the Constitution. The Constitution never contemplated that. One of the controversial provisions added in the Judiciary Committee relates to ''reverse targeting.'' Reverse targeting is the practice of targeting a foreign person when the real intention is to target a U.S. person, thus circumventing the need to get a warrant for the U.S. person.

Reverse targeting has always been unlawful, in order to protect the communications of U.S. persons. Now, contrary to what most people believe, the legal definition of ''U.S. person,'' is not limited to U.S. citizens. See this chart: What is a U.S. person?

> An ''alien lawfully admitted for permanent residence,'' a ''corporation which is incorporated in the United States.''

Now, that is according to 50 U.S.C. 1801. The U.S. person definition includes aliens lawfully admitted, legal residence, legal permanent residence. A U.S. person is also defined as a business incorporated within the United States.

From an intelligence-gathering standpoint, reverse targeting makes no sense. From an efficiency standpoint, if the Government was interested in targeting an American, it would apply for a warrant to listen to all the American's conversations, not just his conversations with a terrorist overseas.

But let's not let logic get in the way of a good conspiracy theory. Even though reverse targeting is already considered unlawful, a provision is included in the Intelligence bill which makes it explicit. This provision is clearly written and universally supported. However, the Judiciary Committee passed an amendment by a 10-to-9 partisan party-line vote which altered the clear language of that provision.

Now, where before the provision said you cannot target a foreign person if the purpose is to target a U.S. person, the new language adds the ambiguous term ''significant purpose.''

Now, words have meaning and in this context have very serious meaning. If this amendment becomes law, an analyst would now have to ask himself this question when targeting a terrorist overseas: Is a ''significant purpose'' of why I am targeting this foreign terrorist overseas the fact that the terrorist may call an airline in America to make flight reservations or a terrorist with a green card living in the USA?

If the answer is yes, then the language in this amendment would require the analyst to get a warrant to listen to that foreign terrorist overseas.

Now, if there is one thing we can all agree on, it is we should never, ever need a warrant to listen to a foreign terrorist overseas. The ambiguous and unnecessary text of this amendment should not be left up to judicial interpretation. Enactment of this amendment could lead to our analysts seeking warrants when targeting any foreign terrorists, since the analyst may be afraid he or she is otherwise breaking our new law.

Now, remember, the Intelligence Committee spent months working on a bipartisan compromise bill. This amendment I have been talking about was not in the Intelligence bill. So people should assume the Judiciary Committee spent a great deal of time debating this amendment, right? Wrong. The Judiciary Committee spent 7 minutes debating this amendment before it was adopted, again, on a 10-to-9 partisan vote, party-line vote.

Let me repeat that. Seven minutes on something that is this important. The Intelligence Committee spent months coming up with a compromise that the leaders of the intelligence community say is the minimum—minimum—they need to have.

We are enacting national security legislation, and it is our responsibility to ensure this bill does not lead to unintended consequences which provide protections to terrorists. This provision is one example of an amendment adopted by the Judiciary Committee which could and probably would, if it were enacted, harm national security. It also serves as yet another reason why we should not support the Judiciary substitute or any aspect of it.

I am a member of both committees. In fact, I believe I am probably the longest serving member on the Intelligence Committee. The Judiciary bill includes provisions that could weaken national security. Why are we thinking of handcuffing ourselves? We should not blindfold our intelligence agencies, spin them around to disorient them, and then send them out to find terrorists. We are not playing pin the tail on the donkey. We are legislating on national security, and the stakes are too high to allow legal loopholes in the Judiciary substitute to go forward.

Now, I am not alone in this view, as the Executive Office of the President today released a statement of administration policy which stated:

> If the Judiciary Committee substitute amendment is part of the bill that is presented to the President, the Director of National Intelligence, the Attorney General of the United States, and the President's other senior advisers will recommend that he veto this bill.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 2248—TO AMEND THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, TO MODERNIZE AND STREAMLINE THE PROVISIONS OF THAT ACT AND FOR OTHER PURPOSES

Protection of the American people and American interests at home and abroad requires access to timely, accurate, and insightful intelligence on the capabilities, intentions, and activities of foreign powers, including terrorists. The Protect America Act of 2007 (PAA), which amended the Foreign Intelligence Surveillance Act of 1978 (FISA) this past August, has greatly improved the Intelligence Community's ability to protect the Nation from terrorist attacks and other national security threats. The PAA has allowed us to close intelligence gaps, and it has enabled our intelligence professionals to collect foreign intelligence information from targets overseas more efficiently and effectively. The Intelligence Community has implemented the PAA under a robust oversight regime that has protected the civil liberties and privacy rights of Americans. Unfortunately, the benefits conferred by the PAA are only temporary because the act sunsets on February 1, 2008.

The Director of National Intelligence has frequently discussed what the Intelligence Community needs in permanent FISA legislation, including two key principles. First, judicial authorization should not be required to gather foreign intelligence from targets located in foreign countries. Second, the law must provide liability protection for the private sector.

The Senate is considering two bills to extend the core authorities provided by the PAA and modernize FISA. In October, the Senate Select Committee on Intelligence (SSCI) passed a consensus, bipartisan bill (S. 2248) that would establish a sound foundation for our Intelligence Community's efforts to target terrorists and other foreign intelligence targets located overseas. Although the bill is not perfect and its flaws must be addressed, it nevertheless represents a bipartisan compromise that will ensure that the Intelligence Community retains the authorities it needs to protect the Nation. Indeed, the SSCI bill is an improvement over the PAA in one essential way-it would provide retroactive liability protection to electronic communication service providers that are alleged to have assisted the Government with intelligence activities in the aftermath of September 11th.

In sharp contrast to the SSCI's bipartisan approach to modernizing FISA, the Senate Judiciary Committee reported an amendment to the SSCI bill that would have devastating consequences to the Intelligence Community's ability to detect and prevent terrorist attacks and to protect the Nation from other national security threats. The Judiciary Committee proposal would degrade our foreign intelligence collection capabilities. The Judiciary Committee's amendment would impose unacceptable and potentially crippling burdens on the collection of foreign intelligence information by expanding FISA to restrict facets of foreign intelligence collection never intended to be covered under the statute. Furthermore, the Judiciary Committee amendment altogether fails to address the critical issue of liability protection. Accordingly, if the Judiciary Committee's substitute amendment is part of a bill that is presented to the President the Director of National Intelligence, the Attorney General, and the President's other senior advisors will recommend that he veto the bill.

The Senate Select Committee on Intelligence bill

Building on the authorities and oversight protections included in the PAA, the SSCI drafted S. 2248 to provide a sound legal framework for essential foreign intelligence collection in a manner consistent with the Fourth Amendment. As in the PAA, S. 2248 permits the targeting of foreign terrorists and other foreign intelligence targets outside the United States based upon the approval of the Director of National Intelligence and the Attorney General.

The SSCI drafted its bill in extensive coordination with Intelligence Community and national security professionals—those who are most familiar with the needs of the Intelligence Community and the complexities of our intelligence laws. The SSCI also heard testimony from privacy experts in order to craft a balanced approach. As a result, the SSCI bill recognizes the importance of clarity in laws governing intelligence operations. Although the Administration would strongly prefer that the provisions of the PAA be made permanent without modification, the Administration engaged in extensive consultation in the interest of achieving permanent legislation in a bipartisan manner.

The SSCI bill is not perfect, however. Indeed, certain provisions represent a major modification of the PAA and will create additional burdens for the Intelligence Community, including by dramatically expanding the role of the FISA Court in reviewing foreign intelligence operations targeted at persons located outside the United States, a role never envisioned when Congress created the FISA court.

In particular, the SSCI bill contains two provisions that must be modified in order to avoid significant negative impacts on intelligence operations. Both of these provisions are also included in the Judiciary Committee substitute, detailed further below.

First, as part of the debate over FISA modernization, concerns have been raised regarding acquiring information from U.S. persons outside the United States. Accordingly, the SSCI bill provides for FISA Court approval of surveillance of U.S. persons abroad. The Administration opposes this provision. Under executive orders in place since before the enactment of FISA in 1978, Attorney General approval is required before foreign intelligence surveillance and searches may be conducted against a U.S. person abroad under circumstances in which a person has a reasonable expectation of privacy. More specifically, section 2.5 of Executive Order 12333 requires that the Attorney General find probable cause that the U.S. person target is a foreign power or an agent of a foreign power. S. 2248 dramatically increases the role of the FISA Court by requiring court approval of this probable cause determination before an intelligence operation may be conducted beyond the borders of the United States. This provision imposes burdens on foreign intelligence collection abroad that frequently do not exist even with respect to searches and surveillance abroad for law enforcement purposes. Were the Administration to consider accepting FISA Court approval for foreign intelligence searches and surveillance of U.S. persons overseas, technical corrections would be necessary. The Administration appreciates the efforts that have been made by Congress to address these issues, but notes that while it may be willing to accept that the FISA Court, rather than the Attorney General, must make the required findings, limitations on the scope of the collection currently allowed are unacceptable.

Second, the Senate Intelligence Committee bill contains a requirement that intelligence analysts count ''the number of persons located in the United States whose communications were reviewed.'' This provision would likely be impossible to implement. It places potentially insurmountable burdens on intelligence professionals without meaningfully protecting the privacy of Americans, and takes scarce analytic resources away from protecting our country. The Intelligence Community has provided Congress with a detailed classified explanation of this problem.

Although the Administration believes that the PAA achieved foreign intelligence objectives with reasonable and robust oversight protections, S. 2248, as drafted by the Senate Intelligence Committee, provides a workable alternative and improves on the PAA in one critical respect by providing retroactive liability protection. The Senate Intelligence Committee bill would achieve an effective legislative result by returning FISA to its appropriate focus on the protection of privacy interests of persons inside the United States, while retaining our improved capability under PAA to collect timely foreign intelligence information needed to protect the Nation.

The Senate Judiciary Committee proposal

The Senate Judiciary Committee amendment contains a number of provisions that would have a devastating impact on our foreign intelligence operations.

Among the provisions of greatest concern are:

An Overbroad Exclusive Means Provision That Threatens Worldwide Foreign Intelligence Operations. Consistent with current law, the exclusive means provision in the SSCI's bill addresses only ''electronic surveillance'' and ''the interception of domestic wire, oral, and electronic communications.'' But the exclusive means provision in the Judiciary Committee substitute goes much further and would dramatically expand the scope of activities covered by that provision. The Judiciary Committee substitute makes FISA the exclusive means for acquiring ''communications information'' for foreign intelligence purposes. The term ''communications information'' is not defined and potentially covers a vast array of information—and effectively bars the acquisition of much of this information that is currently authorized under other statues such as the National Security Act of 1947, as amended. It is unprecedented to require specific statutory authorization for every activity undertaken worldwide by the Intelligence Community. In addition, the exclusivity provision in the Judiciary Committee substitute ignores FISA's complexity and its interrelationship with other federal laws and, as a result, could operate to preclude the Intelligence Community from using current tools and authorities, or preclude Congress from acting quickly to give the Intelligence Community the tools it may need in the aftermath of a terrorist attack in the United States or in response to a grave threat to the national security. In short, the Judiciary Committee's exclusive means provision would radically reshape the intelligence collection framework and is unacceptable.

Limits on Foreign Intelligence Collection. The Judiciary Committee substitute would require the Attorney General and the Director of National Intelligence to certify for certain acquisitions that they are ''limited to communications to which at least one party is a specific individual target who is reasonably believed to be located outside the United States.'' This provision is unacceptable because it could hamper U.S. intelligence operations that are currently authorized to be conducted overseas and that could be conducted more effectively from the United States without harming U.S. privacy rights.

Significant Purpose Requirement. The Judiciary Committee substitute would require a FISA court order if a ''significant purpose''

of an acquisition targeting a person abroad is to acquire the communications of a specific person reasonably believed to be in the United States. If the concern driving this proposal is so-called ''reverse targeting''—circumstances in which the Government would conduct surveillance of a person overseas when the Government's actual target is a person in the United States with whom the person overseas is communicating—that situation is already addressed in FISA today: If the person in the United States is the target, a significant purpose of the acquisition must be to collect foreign intelligence information, and an order from the FISA court is required. Indeed, the SSCI bill codifies this longstanding Executive Branch interpretation of FISA. The Judiciary Committee substitute would place an unnecessary and debilitating burden on our Intelligence Community's ability to conduct surveillance without enhancing the protection of the privacy of Americans.

Part of the value of the PAA, and any subsequent legislation, is to enable the Intelligence Community to collect expeditiously the communications of terrorists in foreign countries who may contact an associate in the United States. The Intelligence Community was heavily criticized by numerous reviews after September 11, including by the Congressional Joint Inquiry into September 11, regarding its insufficient attention to detecting communications indicating homeland attack plotting. To quote the Congressional Joint Inquiry: ''The Joint Inquiry has learned that one of the future hijackers communicated with a known terrorist facility in the Middle East while he was living in the United States. The Intelligence Community did not identify the domestic origin of those communications prior to September 11, 2001 so that additional FBI investigative efforts could be coordinated. Despite this country's substantial advantages, there was insufficient focus on what many would have thought was among the most critically important kinds of terrorist-related communications, at least in terms of protecting the Homeland.'' (S. Rept. No. 107–351, H. Rept. No. 107–792 at 36.) To be clear, a ''significant purpose'' of Intelligence Community activities is to detect communications that may provide warning of homeland attacks and that may include communication between a terrorist overseas who places a call to associates in the United States. A provision that bars the Intelligence Community from collecting these communications is unacceptable, as Congress has stated previously.

Liability Protection. In contrast to the Senate Intelligence Committee bill, the Senate Judiciary Committee substitute would not protect electronic communication service providers who are alleged to have assisted the Government with communications intelligence activities in the aftermath of September 11th from potentially debilitating lawsuits. Providing liability protection to these companies is a just result. In its Conference Report, the Senate Intelligence Committee ''concluded that the providers . . . had a good faith basis for responding to the requests for assistance they received.'' The Committee further recognized that ''the Intelligence Community cannot obtain the intelligence it needs without assistance from these companies.'' Companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are alleged to have provided assistance. The Senate Intelligence Committee concluded that: ''The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation.'' Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries by revealing sources and methods during the course of litigation, the potential disclosure of classified information puts both the facilities and personnel of electronic communication service providers and our country's continued ability to protect our homeland at risk. It is imperative that Congress provide liability protection to those who cooperated with this country in its hour of need.

The ramifications of the Judiciary Committee's decision to afford no relief to private parties that cooperated in good faith with the U.S. Government in the immediate aftermath of the attacks of September 11 could extend well beyond the particular issues and activities that have been of primary interest and concern to the Committee. The Intelligence Community, as well as law enforcement and homeland security agencies, continue to rely on the voluntary cooperation and assistance of private parties. A decision by the Senate to abandon those who may have provided assistance after September 11 will invariably be noted by those who may someday be called upon again to help the Nation.

Mandates an Unnecessary Review of Historical Programs. The Judiciary Committee substitute would require that inspectors general of the Department of Justice and relevant Intelligence Community agencies audit the Terrorist Surveillance Program and ''any closely related intelligence activities.'' If this ''audit'' is intended to look at operational activities, there has been an ongoing oversight activity by the Inspector General of the National Security Agency (NSA) of operational activities and the Senate Intelligence Committee has that material. Mandating a new and undefined ''audit'' will divert significant operational resources from current issues to redoing past audits. The Administration understands, however, the ''audit'' may in fact not be related to technical NSA operations. If it is the case that in fact the Judiciary Committee is interested in historical reviews of legal issues, the provision is unnecessary. The Department of Justice Inspector General and the Office of Professional Responsibility are already doing a comprehensive review. In addition, the phrase ''closely related intelligence activities'' would introduce substantial ambiguities in the scope of this review. Finally, this provision would require the inspectors general to acquire ''all documents relevant to such programs'' and submit those documents with its report to the congressional intelligence and judiciary committees. The requirement to collect and disseminate this wide range of highly classified documents—including all those ''relevant'' to activities ''closely related'' to the Terrorist Surveillance Program—unnecessarily risks the disclosure of extremely sensitive information about our intelligence activities, as does the audit requirement itself. Taking such national security risks for a backwards-looking purpose is unacceptable.

Allows for Dangerous Intelligence Gaps During the Pendency of an Appeal. The Judiciary Committee substitute would delete an important provision in the SSCI bill that enables the Intelligence Community to collect foreign intelligence from overseas terrorists and other foreign intelligence targets during an appeal. Without that provision, we could lose vital intelligence necessary to protect the Nation because of the views of one judge.

Limits Dissemination of Foreign Intelligence Information. The Judiciary Committee substitute would impose significant new restrictions on the use of foreign intelligence information, including information not concerning United States persons, obtained or derived from acquisitions using targeting procedures that the FISA Court later found to be unsatisfactory for any reason. By requiring analysts to go back to the databases and pull out certain information, as well as to determine what other information is derived from that information, this requirement would place a difficult, and perhaps insurmountable, burden on the Intelligence Community. Moreover, this provision would degrade privacy protections, as it would require analysts to locate and examine U.S. person information that would otherwise not be reviewed.

Requires FISA Court Approval of All ''Targeting'' for Foreign Intelligence Purposes. The Judiciary Committee substitute potentially requires the FISA Court to approve ''[a]ny targeting of persons reasonably believed to be located outside the United States.'' Although we assume that the Committee did not intend to require these procedures to govern all ''targeting'' done of any person in the world for any purpose—whether it is to gather human intelligence, communications intelligence, or for other reasons—the text as passed by the Committee contains no limitation. Such a requirement would bring within the FISA Court a vast range of overseas intelligence activities with little or no connection to civil liberties and privacy rights of Americans.

Imposes Court Review of Compliance with Minimization Procedures. The Judiciary Committee substitute would require the FISA Court to review and assess compliance with minimization procedures. Together with provisions discussed above, this would constitute a massive expansion of the Court's role in overseeing the Intelligence Community's implementation of foreign intelligence collection abroad.

Amends FISA to Impose Burdensome Document Production Requirements. The Judiciary Committee substitute would amend FISA to require the Government to submit to oversight committees a copy of any decision, order, or opinion issued by the FISA Court or the FISA Court of Review that includes significant construction or interpretation of any provision of FISA, including any pleadings associated with those documents, no later than 45 days after the document is issued. The Judiciary Committee substitute also would require the Government to retrieve historical documents of this nature from the last 5 years. As drafted, this provision could impose significant burdens on Department of Justice staff assigned to support national security operational and oversight missions.

Includes an Even Shorter Sunset Provision Than That Contained in the SSCI Bill. The Judiciary Committee substitute and the SSCI bill share the same flaw of failing to achieve permanent FISA reform. The Judiciary Committee substitute worsens this flaw, however, by shortening the sunset provision in the SSCI bill from 6 years to 4 years. Any sunset provision, but particularly one as short as contemplated in the Judiciary Committee substitute, would adversely impact the Intelligence Community's ability to conduct its mission efficiently and effectively by introducing uncertainty and requiring retraining of all intelligence professionals on new policies and procedures implementing ever-changing authorities. Moreover, over the past year, in the interest of providing an extensive legislative record and allowing public discussion on this issue, the Intelligence Community has discussed in open settings extraordinary information dealing with intelligence operations. To repeat this process in several years will unnecessarily highlight our intelligence sources and methods to our adversaries. There is now a lengthy factual record on the need for this

legislation, and it is time to provide the Intelligence Community the permanent stability it needs.

Fails to Provide Procedures for Implementing Existing Statutory Defenses. The Judiciary Committee substitute fails to include the important provisions in the SSCI bill that would establish procedures for implementing existing statutory defenses and that would preempt state investigations of assistance allegedly provided by an electronic communication service provider to an element of the Intelligence Community. These provisions are important to ensure that electronic communication service providers can take full advantage of existing liability protection and to protect highly classified information.

Fails to Address Transition Procedures. Unlike the SSCI bill, the Judiciary Committee bill contains no procedures designed to ensure a smooth transition from the PAA to new legislation, and for a potential transition resulting from an expiration of the new legislation. This omission could result in uncertainty regarding the continuing validity of authorizations and directives under the Protect America Act that are in effect on the date of enactment of this legislation.

Fails to Include a Severability Provision. The Judiciary Committee substitute, unlike the SSCI bill, lacks a severability provision. Such a provision should be included in the bill.

The Administration is prepared to continue to work with Congress towards the passage of a permanent FISA modernization bill that would strengthen the Nation's intelligence capabilities while protecting the constitutional rights of Americans, so that the President can sign such a bill into law. The Senate Intelligence Committee bill provides a solid foundation to meet the needs of our Intelligence Community, but the Senate Judiciary Committee bill represents a major step backwards from the PAA and would compromise our Intelligence Community's ability to protect the Nation. The Administration calls on Congress to forge ahead and pass legislation that will protect our national security, not weaken it in critical ways.

Mr. HATCH. To my distinguished colleagues, I urge you to support the bipartisan Rockefeller-Bond compromise bill, one that has been superbly debated within the Intelligence Committee and has been carefully thought out.

It provides protections to civil liberties and ensures that technological changes do not outpace our laws.

I wanted to personally pay tribute to the distinguished Chairman of the Intelligence Committee and the distinguished Vice Chairman. They know what they accomplished in the Intelligence Committee was very important, and it should be followed by us on the floor.

We cannot even begin to talk about some classified issues on this floor. We cannot even begin to talk about the dangers that will come from going beyond that bill that passed 13 to 2 in the Senate Intelligence Committee. I refuse to place our country at risk. I refuse to do anything that would make our country be at risk. I suggest to you that if we follow the Judiciary Committee bill, I think we would be doing exactly that.

Mr. President, I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would like to speak on the bill and ask for approximately 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we have a great country. Here we are, we are debating essentially what is going to be the Federal statute on electronic surveillance on the American people and on those who might have predatory intent toward us.

We are doing it in an open, public session, with the world to watch on C–SPAN and talking about what are the right parameters to be able to protect the American people and yet protect the American Constitution.

I think this shows the strength of our democracy and also calls upon us, as we deliberate, to come up with the widest and most prudent choice. For those who are following this debate, I would encourage them to turn to the report that has been put out by the committee, called the Foreign—note it said ''Foreign''—Foreign Intelligence Surveillance Act, the amendments of 2007 to the act of 1978.

This report will go into detail about the deliberations of the committee, the amendments that were offered, the debate we had, and additional views offered by colleagues. I commend it to their attention because it goes through the background in more detail. We are talking about law, which can be quite technical, but we are also talking about the consequences of the law which are quite important.

I sit on the Intelligence Committee. In that job, I have two responsibilities: No. 1, to protect the American people and, No. 2, to protect the Constitution of the United States. Implicit in that is the right of privacy and explicit in that is their civil liberties. The Intelligence Committee's job was to modernize FISA in a way that would do both—protect the American people against predatory attacks and yet at the same time protect their constitutional rights, explicit and implicit. What this legislation does is gives our intelligence community the tools it needs to prevent, disrupt, detect, and derail terrorist plots while at the same time safeguarding the rights of American citizens.

The FISA law, the Foreign Intelligence Surveillance Act, was created in 1978. Since then, technology has changed with great speed and sophistication. I have at my home in Baltimore a rotary phone. I bought it in 1977, when I remodeled my home in Fells Point. My nieces and nephews are regaled with laughter when they say: Oh, Aunt Barb, how '70s. But when we look at the rotary phones and a blackberry was something you ate with cereal, look how far we have come since 1978. Technology has changed with speed and will continue to change with ever increasing sophistication. At the same time we are facing constantly emerging, radical, and treacherous threats that demand a new reform of the FISA law. Yet while technology and the nature of the threats have changed, we have to be very clear that our democratic values and the Constitution have not. It is an imperative that this Congress uphold both, our Constitution and our democratic values.

I believe our Intel Committee bill will do exactly that. It will make America safer. It does this by giving the U.S. intelligence professionals the tools they need to safeguard and protect against predatory attacks. Six years ago, after September 11, terrorists remained—and continue to remain—on the hunt for U.S. vulnerabilities. They use now disposable phone cards, laptop computers, and different e-mail addresses. They are always on the run, and they are always probing to find our vulnerabilities. The old FISA law made it impossible for the U.S. intel community to engage in any kind of realistic techno hot pursuit, unless we change the law. This bill enables intel professionals to keep pace with those who have this predatory intent. They have to be able to monitor terrorists overseas with speed and flexibility.

This reform legislation empowers the intel community to detect, disrupt, and prevent terrorist attacks. It does it, though, in a way that protects the constitutional rights of American citizens, both in the United States and when they travel overseas.

This bill protects their privacy in two important ways. First, it strengthens the role of the Foreign Intelligence Surveillance Court. The Intel Committee requires a FISA court to approve a warrant in order for a U.S. person to be monitored in the United States. Let me repeat that. If a U.S. person is at home in the United States, not only their home address but on the physical territory of the United States, any surveillance of them requires a warrant that is approved by the FISA Court. This means the FISA Court determines whether the surveillance is legal and necessary. The FISA Court must also judge the procedures used. The FISA Court, also looking at terrorists, takes a look at the procedures used to target them to be sure there is no reverse targeting of U.S. citizens.

Second, this bill protects the privacy rights of all Americans, whether or not they are in the United States. One can ask: What about those U.S. citizens who are traveling overseas or who are actually living overseas? What about people who are students? What about those conducting business? What about those on the cruise of a lifetime? Our good colleague from Oregon, Senator WYDEN, offered a terrific amendment which said: Your privacy rights as an American don't stop when you leave the borders of the United States. I am giving plain English. I am using BARBARA MIKULSKI language rather than committee language. In a nutshell, the Wyden amendment requires the FISA

Court to approve any targeting of Americans overseas. The FISA Court approval is required in order to do this. It means your constitutional rights are based on your citizenship, not your geographic location. It is your right as a citizen that gives you the right of constitutional protections, not what ZIP Code or area code you are in at any given time. The Constitution travels with you wherever you go. This is absolutely important. I believe the Wyden amendment sets out very clear language about this.

Let's talk about the immunity for the telecommunications industry. Ordinarily I am skeptical of any giveaway to these corporations, whether tax breaks or whatever. But this is one I do support. I understand there are a lot of concerns about that, and they have been raised by my colleagues in a very eloquent way. But let's examine what the telecom community was asked to do, what legal assurances they were given and by whom, and the context in which they acted. Think about where we were on September 11. There had been an attack on the World Trade Center and the Pentagon. The people of Flight 93 had given their lives in the most gallant kind of way, ostensibly to protect us against a plane that was heading to the Capitol. All of us will tell you where we were that day. Quite frankly, I was in a meeting with Senator Daschle when the Pentagon was hit. Sixty Marylanders died, and I thought I might die that day. I think there were a lot of other people here who worried about that as well. We got through that day, and we stood on the Capitol steps and linked arms and said: God bless America. But we were filled with fear and apprehension. We were concerned that other attacks were being planned, that another attack might even be imminent. We were worried about the Sears Tower in Chicago, the Golden Gate bridge, about getting on planes, about getting on trains, about riding subways. We were even worried about going to football games.

I remember on the eve of the Army-Navy game, wondering what would that mean with the best and brightest of our leadership, would even the Army-Navy game be attacked? The U.S. Capitol at that same time was hit by an anthrax attack. Don't you remember the wonderful day when they sealed the Hart Building, when I was told that my office was a crime scene and a public health incident? My chief of staff, who was a new nursing mother, was filled with fear that she might have anthrax. I remember taking that little swab with the Navy medic who shook my hand and said: Good luck. Good luck? I wanted Cipro. I didn't want good luck. We were scared to death. People were snapping up gas masks and survival kits. You walk around this Capitol today, you see all of that.

So every single American was clear that they wanted to do anything to prevent or disrupt the next attack. We were all asked to do our part. It was in this context, then, that the Bush administration went to the telecom companies. These companies were asked to assist with a communications program to prevent further attacks. They were given letters of assurance that essentially said: The Attorney General of the United States, then John Ashcroft, deemed what they were being asked to do legal and necessary. There was a subsequent letter where then White House counsel Alberto Gonzales also assured these companies that what they were doing was legal and necessary. The correspondence declares that these activities were also authorized by the President of the United States during this time of anxiety.

I know my colleagues would say the lawyers knew that and it was law school and so on. But what would you have done if you headed up a company in the law department? Would you have fretted over the law or would you look at how maybe you could cooperate, how maybe when you see the Beamer family on TV and they said they were ready to roll and we all felt as though we were ready to roll, maybe if you were a telecom company, you were ready to roll too? Maybe you were rolling the dice. But you did have a letter that assured you what was legal and necessary from the Attorney General, the White House, and that also had been authorized by the President.

Within this context, the telecom companies thought what they were doing was patriotic and legal. At a time when the United States felt it was under imminent threat of an attack by a new kind of emerging threat, they were given these assurances. That is why I support giving them focused immunity, because they thought what they were doing was patriotic. Look at the context. At the same time they had these letters of assurance. What I do not support is what the Government additionally wanted, which was to give immunity to all persons connected to this, which means essentially the Bush officials, officials in the Bush administration who either knowingly broke or sidestepped the law. That is not what the committee bill would do. What the committee bill does is focus only on the telecom community. It does not give immunity to these Bush administration people.

When we look at this, I ask everybody to remember what this was. This bill also has a sunset of 6 years which I think we need. We are now in the heat of war, and we must continue to reevaluate and improve this law when cool heads will prevail.

I know others want to speak. I will speak later on on this bill in a more amplified and legal way. But I think the time has come to reform FISA, to make ourselves modern and contemporary and, at the same time, not to punish those who thought they were working with us; last, but not at all least, to protect the American people, both in terms of their safety but also their constitutional rights.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would first just express my appreciation for the thoughtfulness and eloquence of the Senator from Maryland. I think she has analyzed the matter very well and has called us to a compromise agreement that we should rally around and pass—an agreement that will protect our country and also protect our liberty; and that is, the agreement that came out of the Intelligence Committee 13 to 2. It is the kind of agreement that reflects weeks, even months, of study, both of law and of technology.

Our Intelligence Committee, more than our Judiciary Committee, of which I am a member, was deeply involved in exactly what is being done in foreign intelligence and how it was being done. They studied it carefully. There are a lot of members of the Intelligence Committee who would not hesitate to object if they thought what was being done was in error or certainly if it violated our Constitution. As a result, we have moved forward with their bill.

Unfortunately, the Senate Judiciary Committee that had referral on the matter has now come forward with additional ideas and proposals that are not wise, in my view. We did not spend nearly as much time on the matter. We are not nearly as involved and knowledgeable of the details of what has gone on as the Intel Committee is. I believe we should not move forward on the Judiciary Committee bill. I opposed it in committee and remain in opposition to it.

With regard to this matter of immunity for our telecom companies that cooperated with the President, the Senator from Maryland has explained how we got to this point. Mr. President, 9/11 occurred. We had a 9/11 Commission that said we did not have good intelligence, we did not share the intelligence we had correctly, we were not analyzing properly the intelligence we had, and we ought to do much better with regard to intelligence.

That was a uniform view, and the President authorized these programs, some of which basically had been authorized for years and had never been considered to be improper in any way. Government officials met with the telecom providers and asked for their assistance because the Government does not handle these communications systems. It is private companies that do. These companies were given a legal statement from the Attorney General that said the President had declared their cooperation to be important to national security, that it was legal, and asked them to help.

Now, we discussed the basic principle in the Judiciary Committee at some length, and I would like to go back to it. The basic principle that has been embedded in our law for hundreds of years, from our British heritage, is that a citizen—when called upon by a law officer, the gendarme, the Federal

official, or the State law officer who has apparent legal authority, to help in a situation involving a danger in the community—that citizen should respond. OK. How have we dealt with that?

We are so committed to that fundamental principle that we have embedded in our common law the concept that if the Government official was in error and should not have asked the citizen to do something—an example would be where somebody is running from a building, and apparently, a burglary has occurred. Several uniformed police officers are chasing the apparent burglar. They ask a citizen to help. The citizen assaults, tackles, and holds the person he has been told to try to capture. He helps the police officers capture that person, and it turns out he is not the burglar, but an innocent person.

It is absolutely clear as a matter of Anglo-American law—this is not some new deal; this is our heritage—that the citizen is not responsible and cannot be held legally liable because the only question is: Was he or she responding to what appeared to be a legitimate request by the Government to assist them?

So that is the deal. That is what our telecom companies did. More than that, they did not just respond to some police officer in uniform, they did not just respond to a military officer or a National Guardsman or a Coast Guardsman to help, they responded to the Attorney General of the United States of America requesting in a formal letter saying that he was authorized by the President of the United States to ask for their assistance to preserve and protect the safety of American citizens. They were given assurance that what they were being asked to do by the Attorney General was lawful.

How could we possibly suggest that these companies now are going to be rightfully sued for money damages? It is unthinkable we would allow that to happen. It would contradict our fundamental principles as a country.

They say: Well, how do we know? We need to have a lawsuit. Well, we have all kinds of telecom communications statutes that we have imposed over the years. Apparently, a court, in reviewing these matters, interpreted one of these statutes in a way that rendered the procedures then utilized under the request of the White House incorrect. The court did not say that the program could not be done, but that it had to be done using different techniques and different procedures. But the practical effect of that decision, it turns out, was to make it impossible for those techniques to be continued to be used. You just could not do it. As a practical matter, you could not continue to conduct the surveillance the Intelligence community said was required.

So the net result was we passed the Protect America Act this summer so the surveillance could continue because we, after great study, concluded it was needed and basically a lawful procedure. We passed the Protect America Act that allowed it to continue.

So I want to go back to say, the fact there was an alteration in the way this process was ongoing does not mean American companies that agreed to be supportive of the Attorney General and the President of the United States in a time of national emergency ought to have been sued. The person responsible if there was an error was the Government, not the companies—the Government. And many of these matters are very complex.

If we now are going to place the burden on the CEO or the legal counsel of every company in America to conduct their own independent research as to whether a request to participate in helping to defend America is constitutional, and they now are required to go beyond a certified letter from the Attorney General of the United States and have their lawyers express their own opinion, we are at a point where we are not going to get help in the future. It is just that simple.

So I think we ought to be careful about it. In fact, in the letter Senator HATCH has referred to, which is a Statement of Administration Policy—what they call a SAP—issued today by the Executive Office of the President, the President's advisors indicate they would recommend to the President that this important, critical legislation be vetoed if certain objectionable matters are in it.

One of the matters they are concerned about is this question of liability. I would like to read from page 4 from that SAP that deals with this issue. It sets out the question clearly. It says:

> In contrast to the Senate Intelligence Committee bill, the Senate Judiciary Committee substitute would not protect electronic communication service providers who are alleged to have assisted the Government with communications intelligence activities in the aftermath of September 11th from potentially debilitating lawsuits. Providing liability protection to these companies is a just result. In its Conference Report, the Senate Intelligence Committee ''concluded that the providers . . . had a good faith basis for responding to the requests for assistance they received.''

That was a bipartisan vote, 13 to 2. Senator ROCKEFELLER, the Democratic chairman, and Senator BOND, the ranking Republican, and all members voted on that language.

I am still quoting now from this SAP:

> The Committee further recognized that ''the Intelligence Community cannot obtain the intelligence it needs without assistance from these companies.''

In other words, we cannot get this intelligence without the cooperation of these companies, for heaven's sake. This is not a matter of dispute. This is an absolutely undeniable fact. It goes on to say:

> Companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are alleged to have provided assistance. The Senate Intelligence Committee concluded that: ''The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation.''

It is unacceptable. This SAP goes on to say:

> Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries by revealing sources and methods during the course of litigation, the potential disclosure of classified information puts both the facilities and personnel of electronic communication service providers and our country's continued ability to protect our homeland at risk. It is imperative that Congress provide liability protection to those who cooperated with this country in its hour of need.

It goes on to say this:

> The ramifications of the Judiciary Committee's decision to afford no relief to private parties that cooperated in good faith with the U.S. Government in the immediate aftermath of the attacks of September 11 could extend well beyond the particular issues and activities that have been of primary interest and concern to the Committee. The Intelligence Community, as well as law enforcement and homeland security agencies, continue to rely on the voluntary cooperation and assistance of private parties. A decision by the Senate to abandon those who may have provided assistance after September 11 will invariably be noted by those who may someday be called upon again to help the Nation.

I think that is indisputable. So I do not know how we got to a place where we are supporting an effort by some to allow these companies, these good corporate citizens, to be sued. I know it is being driven by a lot of leftist, the ''blame America first'' folks who seek to undo every single thing that is done to protect America from attack by foreign adversaries. They go through it. They attempt to find anything that can be complained about, and we end up having a big debate on these issues. But these matters have serious consequences.

So I would say to my colleagues, we did not deny moveon.org any right to be heard. They have been heard—moveon.org, that's the organization that declared our fabulous General Petraeus to be a betrayer. But we have listened to all of their complaints. We have listened to the ACLU. The Intelligence Committee has spent months looking at it. The Department of Justice has been involved in it. The Senate Judiciary Committee has been involved in it. I would submit we have found that these surveillance procedures are not an extreme thing, that this is all consistent with the law of America and that it is legitimate in the way it was done. We ratified these procedures just this summer in the Protect America Act. I said a little earlier this morning that I know it is too much to expect that we would apologize to our security officers and the President for saying—as some have done—that they violated our Constitution to do these procedures because, after all this debate and

effort, we have now passed laws, including the Protect America Act, that allows them to continue. If they are so horrible, why did we overwhelmingly vote to allow them to continue? I would say there was nothing fundamentally wrong with what was being done to begin with. This was necessary and legitimate.

One more thought I wish to share on the basic question of surveillance abroad is this: American citizens abroad are protected by a rather strong Presidential order—Executive Order 12333—that protects them from surveillance without probable cause having been shown. It is a pretty strong order. Why have we never had the Supreme Court, which has ruled on surveillance in the United States, declare its power on the issue of surveillance abroad? Think about this: Can the Supreme Court—can a Federal judge in America approve a surveillance, electronic surveillance in a foreign country of an American citizen? The answer is, no, because they don't have jurisdiction. Federal judges don't have jurisdiction in France or Russia or Afghanistan. If you don't have jurisdiction to authorize a surveillance, you don't have jurisdiction to issue warrants or to assert jurisdiction at all, and that is the way it has always been interpreted. But because people were concerned about American citizens abroad, President Reagan issued an Executive order that controls those situations and that is being followed today.

So I wish to say we need to be careful about our thought processes as we go forward. There has never, ever been any doubt that an American intelligence operative can surveil foreign persons abroad whom they believe may pose a threat to the United States or may possess information valuable to the United States. That has never been in doubt.

So as we go through with this, I hope we will listen to the work of the Intelligence Committee. I think, for the most part, it is a pretty good bill. Their bill is something I can support. It has some things in it I don't believe are necessary that put restrictions on our efforts to make sure our officials don't overreach. We can create safeguards in a bipartisan way, and I hope we will. But in truth, we need to pass legislation soon because the current bill, the Protect America Act, expires in February.

I went out a few weeks ago to the National Security Agency and got a full briefing, as a number of Senators have, on what is being done there. I was so proud of our personnel. These are fabulous Americans. The suggestions that have been made by some that they are sitting out there trying to listen in on somebody's private conversation about Christmas from Paris or Afghanistan is beyond reality. They are out there trying to protect America. They are looking to see if they have any information that they can legally pick up that would indicate an attack may be imminent or that people are plotting to attack the United States.

So I thank the Chair. I hope we will move forward with this legislation based on the Intel bill and that we will reject efforts to deny liability protection to Americans who serve our country. Also, I hope we will reject the Wyden language in the Intel bill because I think it goes far too far in constricting the ability of our intelligence personnel to do their job, and it is not legally or constitutionally required.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, I wish to take this time to talk a little bit about the FISA bill we are considering today. I heard my friend from Alabama talk about the work that is being done at the National Security Agency. I have also taken the opportunity to visit with NSA to see firsthand the work they are doing. It wasn't my first visit. NSA, as my colleagues know, is located in Maryland. I have been there on numerous occasions. I had an opportunity to observe the manner in which our security intelligence agencies operate, and I must tell my colleagues these men and women are dedicated public servants doing a great job on behalf of their country and trying to get it done right. They are trying to do it the way it is supposed to be done and complying with laws, but they need the right legal basis, and it is our responsibility in Congress to get the statutes right to allow them to obtain the information they need in order to keep us safe. There is a right way of doing it. Congress needs to get this bill done right.

We passed this bill in a hurry in August. We didn't have an opportunity at that time to review the classified information about the advice that was given in regard to the collection of data. Since that time, some of us have had that opportunity. I regret all of us have not had that opportunity. I have taken advantage of that opportunity as a member of the Judiciary Committee, and I have seen the information. I have seen the opinions of counsel. I have seen the information the telecommunications companies operated under. I have had a chance to review that information. It makes it a lot easier for me now to evaluate what we should do.

I will tell my colleagues I wish to get this bill done. I think it is important that our intelligence community have the legal authority to be able to intercept communications that are foreign to foreign. That was the basic reason why they asked for us to modify the FISA law, because technology changed and we had a lot of foreign-to-foreign communications. But it was through facilities that were located within the jurisdiction of the United States; therefore, the FISA laws applied. The administration thought originally they didn't apply, but then the court said: Hey, wait a minute. Read the statute. It does apply. You have to come to Congress and get it done right. That is why they came to us. They wouldn't have come to us if the courts didn't demand they come to us. Now it is our responsibility to get the statute right.

I wish to thank Senator ROCKEFELLER and Senator BOND for the work they did in the Intelligence Committee. I serve on the Judiciary Committee. I can tell my colleagues, Senator LEAHY, Senator SPECTER, and every member of our committee has taken our responsibility very seriously to try to understand the circumstances. But I can tell my colleagues it is important we modify the bill that has come out of the Intelligence Committee. I call my colleagues' attention to the work of the Judiciary Committee because we wanted to make sure the bill we recommended gives the intelligence community the tools they need, particularly as it relates to foreign-to-foreign communications but also protects the constitutional rights of the citizens of our own country, and it will be defensible before our courts. That is our responsibility. I think we got it right.

So we are going to see some differences between these two bills, besides the big difference which is the immunity. I am going to get to the retroactive immunity in a moment. However, there are other differences which are very important, including exclusivity, to make it clear this statute controls so the administration can't say: Well, we have additional authority and we are going to do it our way, regardless of what the Congress says. That is an important provision. It is in the Senate bill. We need to make sure it is in the final bill that is sent to the President.

There are other provisions that are important that are in the Senate bill but not in the House bill: Changes in minimization rules; changes in how—when we target an American overseas—we do, in fact, get appropriate court authorization to do it. I thank Senator WHITEHOUSE for his contributions in that regard. These might be technical changes, but they are important to make sure they get into the bill that is finally passed and sent to the President.

Let me talk for a moment, if I might, about the retroactive immunity because there has been a lot of conversation about retroactive immunity. I oppose retroactive immunity. I think it is the wrong way to help the carriers. Retroactive immunity, to me, violates our responsibility to respect each branch of Government. I want the courts to be able to look at what the executive branch is doing. I want the courts to protect individual rights. I think that when we start looking at retroactive immunity, we start violating the basic separation of powers.

I must tell my colleagues that the telecommunications carriers that cooperated with the Government, believing that the authority was there and

operating in good faith, are entitled to relief. But they shouldn't be given retroactive immunity.

There are other suggestions which have been made. I hope my colleagues will listen to some of the amendments that are being offered. Senator SPECTER has an amendment that I call to the attention of my colleagues. Because if you believe that Government is responsible—and I have heard many of my colleagues say this—that if the Government was wrong, let them be sued and held accountable. That is exactly what Senator SPECTER's amendment does. It substitutes the Government for the carriers in the same position that the carriers would be so we can get the protection of the courts and the carriers get the protection they need, and the Government can control the case for national security purposes. It seems to be a compromise that if, in fact, the carriers were operating in good faith, then let the Government be there to take its responsibility in this matter.

I call my colleagues' attention to another amendment offered by Senator FEINSTEIN. I think it is a good amendment on this issue. It may be able to help us in trying to find common ground. Her amendment says: Look, the bill we passed that is supported by the Intelligence Committee—the bill we passed last August, now amended by the Intelligence Committee, would say: OK, we are going to grant retroactive immunity, and guess who is going to make the decision as to whether the carrier operated in good faith according to law. It is going to be the Attorney General, the administration. Well, to me, that doesn't sound quite objective. After all, we know it was the Attorney General who gave the advice. So at least let's have an objective review. The Feinstein amendment says: Let the FISA Court, which was set up for this purpose and which has the expertise in this area, make the judgment as to whether the carriers followed the law in good faith. Because I tell my colleagues, if they did, I believe they are entitled to relief. I do. But I don't think we should strip the court of its jurisdiction in solving that problem. I think there are better ways to do it. I urge my colleagues to look at the work of the Judiciary Committee because I think they will find some help in a product that will be submitted vis-a-vis amendments as we consider this legislation.

I wish to mention one additional item I am going to bring to the attention of my colleagues, and that is an amendment I offered in the Judiciary Committee that was approved and one I hope will have bipartisan support: A 4-year sunset on the legislation. Why do I want to see this sunset in 4 years? The Intelligence bill has 6 years. I want the next administration to focus on this issue. I want them to come to Congress and cooperate with us on how they are using this power. It is interesting we have gotten tremendous cooperation, since August, from the administration because they knew they had to come back here in February, so we got their cooperation. We got the information we needed. But I don't know if we are going to see any information from the next administration. When they know they have the authority during the entire time, they don't have to come back to us.

So I hope this 4-year sunset provision will be agreed to by all of us, so this Congress can exercise its appropriate oversight as to how this administration and the next administration use this extraordinary power.

FISA is extraordinary power. These are secret courts. These aren't courts that issue written opinions that people can attend. These are secret courts, in order to protect the security of America but also the rights of the people of our Nation. They should at least have the ability for Congress to exercise appropriate oversight responsibility. A 4-year sunset will give us that opportunity in the next administration, and I hope that will be improved.

So this is an important bill. This is a bill I hope will reach the President's desk and will be signed into law. But let's make sure we get it right. Let's make sure it is legislation we are proud of to protect the safety of the people of America and our civil liberties and legislation that can withstand the review of our courts as to constitutionality.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, this morning I laid out the reasons why I opposed cloture on the motion to proceed. Now I would like to describe in more detail the reasons that the Senate should be considering the Judiciary bill rather than the Intelligence Committee bill. And I will lay out again why I strongly oppose the immunity provision in the Intelligence Committee bill.

There are a number of similarities between the bills reported by the Intelligence and Judiciary Committees. Their basic structure is the same. Both bills authorize the Government to conduct surveillance of individuals reasonably believed to be overseas without court approval for individual warrants. Both bills authorize the Government to develop and implement procedures to govern this new type of surveillance, and provide the procedures to the FISA Court for review after they have gone into effect.

But in critical ways, the bills take different approaches. The Judiciary bill contains a number of important changes to improve court oversight of these broad new executive branch authorities, and to protect the privacy of law-abiding Americans.

Let me be clear: The differences between these two bills have nothing to do with our ability to combat terrorism. They have everything to do with ensuring that the executive branch adheres to the rule of law and doesn't unnecessarily listen in on the private communications of Americans.

This debate is about whether the court should have an independent oversight role, and what protections should apply to the communications of Americans that get swept up in these broad new surveillance powers.

If you believe that courts should have a meaningful oversight role with respect to Government surveillance, then you should support the Judiciary bill. And if you believe that Congress should try to limit the number of communications of Americans here at home that will be swept up in a broad new surveillance program that is supposed to be focused on foreigners overseas, then you should support the Judiciary bill.

That said, the Judiciary bill is not perfect. More still needs to be done to protect the privacy of Americans. But that is why it should be such an easy decision to support the Judiciary bill as a starting point.

Let me also remind my colleagues that the process by which the Judiciary Committee considered, drafted, amended and reported out its bill was an open one, allowing outside experts and the public at large the opportunity to review and comment. With regard to legislation so directly connected to the constitutional rights of Americans, the results of this open process should be accorded great weight, especially in light of the Judiciary Commiittee's unique role and expertise in protecting those rights.

So what are the differences between the two bills?

First, the Judiciary bill gives the secret FISA court more authority to operate as an independent check on the executive branch.

One provision in the Judiciary bill fixes an enormous problem with the Intelligence Committee bill—the complete lack of incentives for the Government to do what the bill tells it to do, which is target people overseas rather than people here in America. The Judiciary bill solves this problem by limiting the use of information concerning Americans when that information is obtained through procedures the FISA Court ultimately finds are not reasonably designed to target persons overseas.

The Judiciary bill states that if the court determines that the Government has been using unlawful procedures, then its use of that information is limited—in exactly the same way that it is limited under FISA today if the Government starts surveillance in an emergency and is later turned down for a court order. But the new provision in the Judiciary bill is more flexible: It gives the court the option to allow the use of the information the Government collected the first time around, depending on the circumstances.

Another provision of the Judiciary bill ensures that the FISA Court has the authority to oversee compliance with minimization procedures.

Minimization procedures have been held up as the primary protection for the privacy of Americans whose communications get swept up in this new surveillance authority.

I don't think current minimization procedures are strong enough to do the job. But to the extent that minimization can help protect Americans' privacy, its implementation needs to be overseen by the court. That means giving the court the authority to review whether the Government is complying with minimization rules and to ask for the information it needs to make that assessment. Without this provision from the Judiciary bill, the Government's dissemination and use of information on innocent, law-abiding Americans will occur without any checks and balances whatsoever. Once again, ''trust us'' will have to do. I believe in this case, as in so many others, ''trust us'' is not enough.

The Judiciary bill furthers other types of oversight, as well. It requires relevant inspectors general to conduct an audit of the President's illegal wiretapping program, which is long overdue.

And it improves congressional access to FISA Court orders. The Intelligence Committee bill requires that Congress be provided with orders, decisions and opinions of the FISA Court that include significant interpretations of law within 45 days after they are issued. That is good as far as it goes, but the Judiciary bill adds that Congress should be provided with pleadings associated with opinions that contain significant interpretations of law. These pleadings may be critical to understanding the reasoning behind any particular interpretation as well as how the Government interprets and seeks to implement the law. It also requires that significant interpretations of law not previously provided to Congress over the past 5 years be provided.

The Judiciary bill also does a better job of protecting Americans from widespread warrantless wiretapping.

First, it protects against reverse targeting. It ensures that if the Government is wiretapping a foreigner overseas in order to collect the communications of the American with whom that foreign target is communicating, it has to get a court order on the American. This is very reasonable. Specifically, the Judiciary bill says that the Government needs an individualized court order when a significant purpose of its surveillance is listening to an American at home. The DNI himself said that reverse targeting violates the Fourth Amendment; this provision simply codifies that principle. The administration continues to oppose this provision, and I have a simple question for it: ''Why?'' Why is it opposed to a provision that prohibits a practice that its own Director of National Intelligence says is unconstitutional?

The Judiciary bill also prohibits bulk collection—that is, the sweeping up of all communications between the United States and overseas. The DNI said in public testimony that this type of massive bulk collection would be permitted by the Protect America Act. But he has also said that what the Government is seeking to do with these authorities is something very different. It is ''surgical. A telephone number is surgical. So, if you know that number, you can select it out.'' If the DNI has said it doesn't even need broader authorities, we should certainly should not be providing them.

All this modest provision does is hold the DNI to his word. It ensures that the Government has some foreign intelligence interest in individual targets, and is not just vacuuming up every last communication between Americans and their friends and business colleagues overseas. Targets do not need to be known or named individuals; they can be anonymous phone numbers, which is how the DNI has described how the Government collects. And the Government does not have to identify or explain its interest in the targets to the FISA Court; it merely has to make a general certification that individual targets exist. Again, why does the administration oppose this provision? I have yet to hear a convincing answer.

The Judiciary bill also has a sunset of 4 years rather than 6 years, ensuring that Congress will reevaluate this law before the end of the next Presidential administration. And, critically, it contains a strong statement that Congress intends for FISA to be the exclusive means by which foreign intelligence surveillance is conducted. It closes purported statutory loopholes that the Justice Department relied on to make its tortured arguments that the congressional authorization for use of force against al-Qaida somehow authorized the President's illegal wiretapping program. The Judiciary bill makes clear, once and for all, that the President must follow the law.

Madam President, the Judiciary bill also does not contain the provision in the Intelligence Committee bill granting automatic, retroactive immunity to companies that allegedly cooperated with the President's illegal NSA wiretapping program. I supported an amendment to strike the immunity provision in the Intelligence Committee when it was offered by the Senator from Florida, Mr. NELSON—I offered an amendment to strike the immunity provision in the Judiciary Committee—and I will cosponsor Senator DODD's amendment to strike the immunity provision on the Senate floor. The immunity provision does not belong in this bill.

Granting immunity, first of all, is unnecessary. Current law already specifically provides immunity from lawsuits for companies that cooperate with the Government's request for assistance, as long as they receive either a court order or a certification from the Attorney General that no court order is needed and the request meets all statutory requirements. This current FISA immunity provision, contained in 18 U.S.C. §2511, already protects companies that act at the request of the Government, while also protecting the privacy of Americans' communications by assuring that immunity is granted only if the law is followed.

Some supporters of immunity argue that companies should not be penalized for relying in good faith on the legality of a request from the executive branch. This argument ignores the history of FISA. Private companies have a long history of receiving requests for assistance from the Government, and they worked with Congress when FISA was first enacted to devise a law that tells them exactly which Government requests they should honor. They also have experienced, well-trained lawyers to examine the written requests they receive from the Government and determine whether those requests comply with the clear requirements of the law or not.

The idea that telephone companies could not have foreseen that the Government might overstep the law makes no sense. FISA's requirement of a court order or a valid certification was designed precisely to respond to Government abuses that took place in the 1960s and 1970s, and to prevent such abuses from occurring in the future.

The Judiciary Committee heard testimony from Mort Halperin, a former Nixon administration official who had himself been the subject of a warrantless wiretap, and was involved in drafting FISA in the 1970s. He testified that before FISA:

> Government communication with the telephone company . . . could not have been more casual. A designated official of the FBI called a designated official of [the company] and passed on a phone number. Within minutes all of the calls from that number were being routed to the local FBI field office and monitored.

Not surprisingly, this casual, ad hoc system failed to protect Americans' privacy; the abuses that took place are well documented and quite shocking. FISA was supposed to give everyone involved a level of certainty about what was permitted and what was not. And the provision specifying the circumstances under which a Government request could be honored, in particular, was supposed to play a significant role in ensuring that certainty. AT&T, which was the only telephone company in existence at the time, was at the table when this provision was drafted. As Halperin described it in his testimony, the company:

> received the clarity that it sought and deserved. The rule, spelled out clearly in several places in the legislation and well understood by all, was this: If [the phone company] received a copy of a warrant or a certification under the statute, it was required to cooperate. If it did not receive authorization by means outlined in the statute, it was to refuse to cooperate and was to be subjected to State and Federal civil and criminal penalties for unlawful acquisition of electronic communications.

This is the history. This is why we have the FISA statute. This is the whole point.

This history should give all of us pause as we consider the immunity provision in this bill. Granting companies that allegedly cooperated with an illegal program this new form of automatic, retroactive immunity undermines the law that has been on the books for decades—a law that was designed to prevent exactly the type of actions that allegedly occurred here. Perhaps more importantly, it will undermine any new laws that we pass to govern Government surveillance.

If we want companies to follow the law in the future, it sends a terrible message, and sets a terrible precedent, to grant a new form of retroactive, blanket immunity for alleged cooperation with an illegal program. We not only want companies to follow the law, we want the Government to follow the law. If we don't give the companies a solid basis for refusing to respond to a Government request that falls short of statutory requirements, we take away the incentive for the Government to follow the law. It would be irresponsible for Congress to allow this to happen.

It is time for Congress to state clearly and unequivocally: ''When we pass a law, we mean what we say and we expect the law to be followed.'' But if we grant immunity to companies that may have broken the law, the message we send will be quite the opposite. We will be effectively making compliance with the law optional. We will be saying: ''If a high Government official asks you to ignore the law, go ahead. Congress can always change the law retroactively so you won't pay any penalty for your lawbreaking.'' I ask my colleagues to think long and hard about this as they consider this amendment. Is that the message that we really want to send?

This retroactive immunity provision presents another serious problem.

It could very well prevent the courts from ruling on the administration's warrantless wiretapping program. That may explain why the administration is pushing so hard for this part of the bill. This program is one of the worst abuses of executive power in our Nation's history, and the courts should be able to rule on it once and for all. For Congress to step in and likely wipe out the pending court cases, when the administration has stonewalled congressional oversight efforts for so long, would be an unacceptable capitulation to an administration that thinks it is above the law.

Finally, I must emphasize that a vote to strike immunity is not a vote to hold telephone companies liable. Rather, it is a vote to let the courts decide whether the existing immunity provisions apply. If telephone companies received a directive from the Government and complied with well-established law, the courts will find that they are entitled to immunity and these cases will be dismissed. But if they failed to follow the law that applied specifically to them—a law they helped create and a law that their lawyers knew inside and out—we will have done American citizens a grave injustice by saying that sometimes it is just plain OK to break the law.

In other words, Congress should not prejudge the guilt or innocence of the companies, especially without knowing the facts. Unfortunately, most of the Members of this Chamber have not had access to those facts. The members of only two committees have had the opportunity to study what happened. I happen to sit on both committees, and after seeing all the evidence, my firm view is we should leave this to the courts to decide under existing law. But it is wrong for the administration to ask my colleagues who do not serve on these committees to vote for immunity. They are effectively being asked to grant immunity without being told for what they are granting immunity. This is fundamentally unfair.

The Senate can stand up for the rule of law and let the courts handle these cases as they see fit, or it can decide to change the rules in the middle of the game and block accountability for possible past law breaking. Voting to preserve retroactive immunity means they are blessing the behavior of the administration and the companies that allegedly cooperated with it. I urge my colleagues not to take that step.

Before I close, I wish to respond briefly to the comments made by the vice chair of the Intelligence Committee concerning the President's so-called inherent constitutional power to order surveillance. Relying on a nonbinding statement made in passing in a FISA Court of Review decision on another issue and a 1980 circuit court case that addresses surveillance before FISA was passed, the vice chairman asserts that the President has inherent constitutional authority to wiretap without a court order.

I am afraid to say that argument is an invitation to lawlessness. What he basically said is that because in his view the President has wiretapping authority that cannot be limited by statute, a company that complies with his request for assistance cannot be held accountable, no matter how unreasonable the request was. If that is the case, then Congress may as well pack up and go home because the laws we pass don't matter.

Congress has spoken very clearly in FISA and limited Presidential power to conduct surveillance. Congress had the authority to take this action, and the courts have never upheld an assertion of Presidential power over statutory restriction in a case where Congress has acted within its authority. In this case, the President must follow the law that Congress passes, and so should the telecommunications companies.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Ms. STABENOW). Forty-one minutes.

Mr. FEINGOLD. I ask unanimous consent to yield my remaining time to Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, before my colleague leaves, I thank my colleague Senator FEINGOLD for not only his statements today but for speaking eloquently about this issue, with which he has been deeply involved with for a long time. Drawing on his service on both the Intelligence and Judiciary Committees, he eloquently pointed out that these provisions are designed to guarantee exactly what FISA intended to provide the security of our country and the sanctity of our rights, simultaneously.

And the idea that these companies were acting out of patriotism and naive to the provisions of the law when the very same companies were involved in crafting that law 30 years ago says volumes. I thank Senator FEINGOLD immensely for his work.

Mr. FEINGOLD. Madam President, I thank the Senator from Connecticut for his kind words, and I thank him for his important leadership on this issue. What he is doing today is extremely helpful to the preservation of the rule of law in this country.

The PRESIDING OFFICER. The distinguished Senator from Virginia.

Mr. WARNER. Madam President, the time is such, I understand from the Senator, that I may deliver a few remarks to the Senate; is that correct?

The PRESIDING OFFICER. The Senator may proceed under cloture. The Senate is operating under cloture.

Mr. WARNER. Madam President, I rise today because of the timely and critical importance of the issue before us. It is absolutely vital that we reform FISA, and we must do so quickly because the Protect America Act passed in August to close a dangerous intelligence gap is set to expire shortly. We must keep this gap closed, and we must do it in a way that protects civil liberties, protects telecommunications companies from unnecessary and costly lawsuits, and ensures that our hard-working and dedicated intelligence professionals have the tools they need to protect the Nation.

I have been privileged these 29 years I have been in the Senate to represent the Commonwealth of Virginia in which largely the intelligence community and the professionals therein have their base of operations. I have had the privilege of knowing these people. Stop to think: They have children in the schools in which our children are in, they attend the churches, they live in the communities. It has been my privilege to get to know many of them throughout the course of my career in the Senate and some 5 years plus previous that I had in the Department of Defense where I worked with these professionals. They are among America's finest individuals. They are dedicated. They take risks, great risks, so often when they are abroad. Indeed, we have

lost them at home right at the gateway to the entrance of the Central Intelligence Agency.

I was somewhat discouraged recently to hear broad accusations against the intelligence community, a lack of confidence that certain individuals in the Congress profess publicly to have. I assure them, based on my rather lengthy career and the good fortune to have worked with these professionals for so many years, I rank them among America's finest and most dedicated. It has been my privilege to take this floor many times in the past quarter century to speak on their behalf and to advocate causes which I think were in the best interests of the United States and which could, in many ways, affect their careers.

So I do so again today because reforming FISA has not been an easy process. I thank Chairman ROCKEFELLER and Vice Chairman BOND for the work they have done to garner bipartisan support for the Senate Intelligence Committee bill, the FISA Amendments Act.

The committee members and staff have worked together for many months to produce this responsible bipartisan legislation that strikes the right balance between civil liberties and foreign surveillance. All of the parties involved had to make compromises, but the 13-to-2—I repeat, 13-to-2—vote in the committee on which I am privileged to serve in favor of this bill shows that the bill will protect America's private civil liberties without unnecessarily hindering the ability of our intelligence professionals to intercept terrorist communications.

In addition to bipartisan congressional support, the FISA Amendments Act has, after consultation, the support of Admiral McConnell, the Director of National Intelligence. I have known this fine public servant for many years. When I was privileged to serve as Secretary of the Navy, he was on the staff of the Navy at that time. As a junior officer, he would often brief me in my capacity as Secretary early in the morning. I have enjoyed our friendship through the years and had the privilege to introduce him to the Senate for purposes of confirmation on several occasions.

History has ranked and will continue to rank Admiral McConnell among the foremost of those who stepped forward in my time for public service.

As I say, I have deep admiration and respect for Admiral McConnell's continued public service to the Nation and for the work of thousands of dedicated intelligence community professionals that he leads. His efforts to work with the Congress to formulate this bipartisan and complicated set of solutions to this serious national security issue are to be commended.

The committee was uniquely positioned to weigh and assess the many highly classified aspects of our foreign intelligence surveillance operations and to discuss and debate those sensitive issues before we drafted this legislation. The result is a bill that has the support of those valued public servants trusted to follow the law and a bill that will protect national security and will protect America's privacy.

The bill allows the intelligence community, through a joint certification by the Attorney General of the United States and the Director of National Intelligence, to target the communications of foreign overseas targets without the necessity of the FISA Court approval. This provides the speed and the agility the intelligence community needs—I emphasize ''the speed and the agility''—and keeps the foreign intelligence targets outside the purview of the FISA Court, which was the original intention of Congress when it drafted the FISA bill in 1978.

The FISA amendments also ensure the protection of America's civil liberties by providing that acquisition may only be conducted in accordance with targeting and minimization procedures adopted by the Attorney General of the United States and reviewed by the Foreign Intelligence Surveillance Court. Targeting must be consistent with the fourth amendment, and reverse targeting is specifically prohibited. There is also enhanced oversight by Congress, the Attorney General, the Director of National Intelligence, and inspectors general.

One of the most important provisions in this bill is the retroactive carrier liability protection for those telecommunications carriers alleged to have assisted the Government with the terrorist surveillance program, known as TSP. While I believe that TSP was legal, essential, and contributed to preventing further terrorist attacks against our homeland, others may disagree.

There is no doubt, however, that the carriers that have participated in the program relied upon our Government's assurances that their actions were legal and in the best interests of the security of the United States of America.

These companies deserve and must be protected from costly and damaging lawsuits. The boards of directors have a fundamental obligation, as they do in all public corporations, to shareholders of these publicly owned institutions. Those who ask why the companies need such protection if they did not do anything illegal do not grasp the point that the Government's invocation of state secrets precludes companies from providing a court of law with any factual evidence confirming or denying their involvement in the program. That is to prevent sources and method. Sources and methods are the very heart of America's intelligence operations, as they are the world over. Some companies facing lawsuits, even if they never participated in the program, can likewise not defend themselves.

Some Senators have suggested Government substitution or indemnification of these companies, as the ones who did work in the program, as an alternate to the retroactive liability language in the bill. These are not suitable alternatives, in my judgment, for the companies or the intelligence community.

It is a recognized fact that lawsuits are most often extremely costly to a company in terms of damage to the business reputation and stock valuation could fluctuate. Even if a company ultimately prevails, they will suffer not only money damages possibly, costs possibly, in all probability even though there may be Government reimbursement, but damage which is incalculable in amount to their reputation and standing in their community. Again, if the Government pays the legal bill, that will not erase other injurious consequences that come about as a result of court proceedings. I myself engaged in the practice of law before I entered public service many years ago, and not much has changed. Further, the Government being substituted as the defendant in a trial opens evidentiary problems regarding, again, sources and methods, which is the vital ingredient of all our intelligence collecting processes. Individuals who believe the Government violated their civil liberties can pursue legal action against the Government—the United States Government—and the FISA Amendments Act does nothing to limit the legal recourse.

The bottom line, companies that participate in this program do so to help America protect its freedom and the safety, individually and collectively, of our citizens. Without this retroactive liability provision, I believe companies will no longer, and understandably, voluntarily participate in this program. The consequence of the loss of those companies stepping up—solely in the security interests of the United States, solely in the interests of protecting our citizens—to offer their services will result in irreparable damage to our collection of vital intelligence. It is as simple as that.

It is for these reasons I urge my colleagues to support the Intelligence-Committee-passed FISA Amendments Act and grant the men and women of the intelligence community the tools they need to protect the country and, indeed, the respect and admiration they deserve.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, first of all, I know others may want to speak as well, but let me take a few minutes, if I can, to share with my colleagues some of the background and information concerning my concern with Title II of this legislation.

I certainly agree with my friend and colleague from Virginia, the former chairman of the Armed Services Committee, that it is critically important we modernize FISA. The 30-year-old piece of legislation has served our country well, striking a balance between acquiring the intelligence we

need to protect our country and protecting us against the erosion of our rights. My main concern with the proposal, as many know, is Title II, the retroactive immunity provision. I am deeply concerned about the precedent it would set.

The telecoms' 5-year-old program only became public information because there was a whistleblower, Madam President, a gentleman by the name of Mark Klein, who was an employee of AT&T for more than 20 years. He was really responsible for us being aware of this program. Had it not been for Mark Klein stepping up, this story might have remained secret for years and years, causing further erosion of our rights. Mark Klein and others were principally responsible for coming forward and expressing their deep concerns.

I think it is important for my colleagues in this body to understand precisely what these telecom communities are doing at the behest of the Bush administration. Mark Klein was courageous enough to blow the whistle on one such program at AT&T's facility at 611 Folsom Street in San Francisco. When the government's warrantless surveillance program came to light in December of 2005, Mr. Klein realized he had unwittingly aided and abetted an extensive, untargeted spying program that may have violated the civil liberties of millions of Americans. In early 2006, Mr. Klein went public with evidence of this program, providing over 100 pages of authenticated schematic diagrams and tables detailing how AT&T diverted its customers' communications to a room controlled by the NSA, with sophisticated equipment inside capable of analyzing millions of customers' Internet activities and e-mails in real time. The following are Mr. Klein's own words as to what he saw.

For 5 years, the Bush administration's National Security Agency, with the help of the country's largest telecommunication companies, has been collecting your e-mail, accumulating information on your web browser, and gathering details on your Internet activity, all without warrants and in violation of the United States constitution and several Federal statutes and State laws. Even after the program was exposed by The New York Times in December of 2005, the President and other government officials consistently defended the NSA's activities, insisting that the NSA only collects communications into or from the United States where one party to the communication is someone they believe to be a member of al-Qaida or an associated terrorist organization. But these claims are not true. I know they are not true, because I have firsthand knowledge of the clandestine collaboration between one giant telecommunications company and the NSA to facilitate the most comprehensive spying program in history. I have seen the NSA's vacuum cleaner surveillance infrastructure with my own eyes. It is a vast government-sponsored warrantless spying program. For over 22 years, I worked as a technician for AT&T. While working in San Francisco in 2002, I learned that a management level technician, with AT&T's knowledge, had been cleared by the NSA to work on a special but secret project—the installation and maintenance of Internet equipment in a newly constructed secure room at AT&T's central office in San Francisco. Other than the NSA cleared technician, no employees were allowed in that room. In October of 2003, I was transferred to that office and was in particular assigned to oversee AT&T's operations. As part of my duties, I was required to connect circuits carrying data to optical splitters, which made a copy of the light signal. But the splitters weakened the light signal causing problems I had to troubleshoot. After examining engineering documents given to the technicians which showed the connections of the splitters, I discovered they were hard wired to a secret room. In short, an exact copy of all traffic that flowed through critical AT&T cables, e-mails documents, pictures, web browsers, voice-over-Internet phone conversations, everything, was being diverted to equipment inside the secret room. In addition, the documents revealed the technological gear used in their secret project, including a highly sophisticated search component capable of quickly sifting through huge amounts of digital data, including text, voice, and images in real time according to preprogrammed criteria. It is important to understand that the Internet links connected to the splitters contained not just foreign communications but vast amounts of domestic traffic, all mixed together. Furthermore, the splitter has no selectively abilities. It is just a dumb device which copies everything to the secret room, and the links going through the splitter are AT&T's physical connections to many other Internet providers—Sprint, Quest, Global Crossing, cable and wireless, and the critical West Coast exchange point known as Mae West. Since these networks are interconnected, the government surveillance affects not only AT&T customer matters but everyone else—millions of Americans. I also discovered in my conversations with other technicians that other secret rooms were established in Seattle, San Jose, Los Angeles, and San Diego. One of the documents I obtained also mentions Atlanta, and the clear inference and the logic of this setup and the language of the documents is that there are other such rooms across the country to complete the coverage, possibly 15 or 20 more. So when reports of the government's extensive wiretapping program surfaced in December 2005, after I had left AT&T, I realized two things: First, that I had been a witness to a massive spying effort that violated the rights of millions of Americans; and, second, that the government was not telling the public the truth about the extent of their unconstitutional invasion of privacy. In the spring of 2006, I became a witness for the Electronic Frontier Foundation's lawsuit against AT&T. The New York Times, on April 13, 2006, reported that four independent technical experts examined the AT&T documents. All said that the documents showed that AT&T had an agreement with the Federal Government to systematically gather information flowing on the Internet.

Now, Madam President, there is a further statement of telecommunication expert Brian Reid on AT&T whistleblower Mark Klein's revelations. Dr. Reid is currently the Director of Engineering and Technical Operations at Internet Systems Consortium, a nonprofit organization devoted to supporting a nonproprietary Internet.

Dr. Reid, who has taught at Stanford and Carnegie-Mellon Universities, was an early pioneer in the development of Internet and network technology and received numerous awards for his work in the field of information technology. I think Dr. Reid's expertise in telecommunications is vital to understanding the depth and breadth of the program found at AT&T's Folsom Street facility in San Francisco. Let me read from Dr. Reid's testimony.

I am a telecommunications and data networking expert who has been involved in the development of several critical Internet technologies. I was a professor of electrical engineering at Stanford University and in computer science at Carnegie-Mellon university west. I have carefully reviewed the AT&T authenticated documents and declaration provided by Mark Klein and the public redacted version of the expert declaration of J. Scott Marcus both filed in the Hepping vs. AT&T litigation. Provided the information contained in those declarations and documents, with my extensive knowledge of the international communications infrastructure and the technology regularly used for lawful surveillance pursuant to warrants and court orders, I believe Mr. Klein's evidence is strongly supported of widespread untargeted surveillance of ordinary people, both AT&T customers and others. The AT&T documents describe a technological setup at the AT&T facility in San Francisco. This setup is particularly well suited to wholesale dragnet surveillance of all communications passing through that facility, whether international or domestic. These documents describe how the fiber-optic cables were cut and splitters installed at the cut point. Fiber-optic cables work just like ordinary TV splitters. One cable feeds in and two cables feed out. Both cables carry a copy of absolutely everything that is sent, and if the second cable is connected to a monitoring station, that station sees all traffic going over the cable. Mr. Klein stated the second cable was routed into a room at the facility whose access was restricted to AT&T employees having clearances from the NSA. The documents indicate that similar facilities were being installed in Seattle, San Jose, Los Angeles, and San Diego, and also a reference to a somewhat similar facility in Atlanta. This infrastructure is capable of monitoring all traffic passing through the AT&T facility, some of it not even from AT&T customers, whether voice or data or fax or international or domestic. The most likely use of this infrastructure is wholesale untargeted surveillance of ordinary Americans at the behest of the NSA. NSA involvement undermines arguments the facility is intended for use by AT&T in protecting its own network operations. This infrastructure is not limited to, nor would it be, especially efficient for target surveillance or even untargeted surveillance aimed at communications where one of the ends is located outside of the United States. It is also not reasonably aimed at supporting AT&T operations in security procedures. There are three main reasons. The technological infrastructure is far more powerful and expensive than that needed to do targeted surveillance or surveillance aimed only at international or one-end foreign communications. For example, it includes a NARUS Norris 6400, a computer that can simultaneously analyze huge amounts of information based on rules provided by the machine operator, analyze the content of messages and other information—not just headers or routing information—conduct the analysis in real time, rather than after a delay, and correlate information for multiple sources, multiple formats, over many protocols and through different periods of time in that analysis. The document describes a secret private backbone network, separate

from the public network where normal AT&T customer traffic is carried and transmitted. A separate backbone network would not be required for transmission of the smaller amounts of data captured by a targeted surveillance. You don't need the magnitude of capacity doing targeted surveillance. The San Francisco facility is not located near an entry point for international communications that happen to be transmitted through the United States, either through undersea cable or via satellite. As a result, it would not be a sensible place to locate a facility aimed at simply monitoring traffic to or from northern countries.

I apologize for those rather elaborate statements from two rather technical people, but I thought it was important for our colleagues considering the matter before us that the information that broke this story did not just come from casual observers, but from highly skilled people who could comment on the rather broad use of this information. The idea that we are just focusing our attention on foreigners who might be engaged in activities threatening our existence of course is belied by the evidence provided by both of these very substantial witnesses.

I would like to maybe take another few minutes, if I can, to address some of the questions that have been raised by a number of people today in support of the retroactive immunity.

Let me state again, it is very important that we have the FISA legislation. It is very important that we have the modern means to maintain the technological advances to be able to trap and capture information that poses a risk to our country. No one here, I believe, is arguing against that. The question simply was, For 5 years, why didn't the telecommunications industry and why didn't the individuals in the Bush administration simply do what had been done more than 18,000 times before, and that is go and get a court order from the FISA Court?

Don't blame the NSA here. I have talked about them. The NSA is a Federal Government agency responsible for collecting the data. It was the administration officials here and the lawyers within these telecommunications companies who decided to avoid the law. The NSA officials whom I have dealt with over the years want to be able to operate within Federal statutes. Their job is not to draft the law but to gather intelligence.

The responsibility is on those in the administration responsible for granting this kind of legal authority without going to the FISA Court. And it is on the legal departments in these major communications companies for not understanding what they should know—and did know, I believe—and that is that they merely had to go to the FISA Court and get a court order, and the information sought by the NSA would be immune from any further legal proceedings. That is the issue. The law had been in place for three decades.

Those who are fighting immunity want an open debate on the balance of security and civil liberties. The President disagrees. He is saying: If you strike the immunity for these corporations, I will veto the bill. I find it remarkable that Members have worked hard over weeks to craft a bill to balance the needs of civil liberties and the ability to gather information, and the President is saying: I don't care if you have done all of that; if you don't protect these corporations from lawsuits, I am going to put the whole legislation at risk. It seems to me the immunity issue ought not dominate the decision the committees have made about what needs to be done to balance civil liberties and the need to gather information.

Mr. President, I see great danger in this immunity. It would replace the rule of law with the rule of secrecy.

Those who are fighting immunity offer open debate on the balance of security and civil liberties. But this President tells us that he knows best, that he has set the balance already and the rest of us do not need to worry our heads about it. I oppose immunity because I find that thinking to be dead wrong. The power at stake today—the power to spy, the power to invade privacy, the power to put one's friends outside the law—does not belong in the hands of any one individual, no matter how wise—and certainly not the hands of a President whose contempt for the law has been too obvious for too many years.

As we fight this immunity, that is what is at stake today. Not punishment. Not payback. Openness. Americans deserve to know what this President and these corporations have done to them, and we are never going to know that if this immunity is granted. We are never, ever going to know. It will be as if it never happened.

As a Member of this body for 26 years, a senior member of the Foreign Relations Committee, I don't have the right to even look at the relevant documents. Only a handful of people have the right to do it. So I am being asked, as a 26-year veteran of this Senate, serving on the Foreign Relations Committee, to grant blanket immunity to the President's favored corporations. I find that rather remarkable.

As you know, I have serious doubts about the legality of the corporations' actions, but I would never presume to come to this floor and render a verdict on them. I am not a judge. None of my colleagues are, either, nor is the President of the United States. Just as it would be absurd for me to declare the telecoms clearly guilty, it is equally wrong to declare them effectively innocent. That power belongs to the courts, to the coequal branch of government, the judiciary. To slam the courthouse door shut on American citizens seeking redress would be to forget the meaning of checks and balances in our system of governance altogether.

I believe in letting the courts do their job. It seems the President's allies only believe in the courts when the verdict goes their way. They offer any number of arguments for immunity, but one by one, they fail. They are false and often misleading. I would like to take a few minutes to look at those claims and their failures one by one.

First of all, immunity supporters argue that granting immunity is a Presidential prerogative. That was one of the arguments made by Alberto Gonzales. The answer to that is, of course, the fact is that this case belongs in the courts. The judiciary should be allowed to determine whether the President has exceeded his powers by obtaining wholesale access to the domestic communications of ordinary citizens without a court order. That is why the courts exist, to determine if the actions by the Chief Executive or the Congress are, in fact, appropriate and proper and legal.

Because the telecom corporations are intimately bound up with the President's warrantless wiretapping, immunity supporters are proposing that the President sit as a judge over himself. The administration's original immunity proposal protected not just telecommunications but everyone involved in the wiretapping program. In their original proposal, they wanted to immunize themselves.

Think about that. It speaks to their fear and perhaps their guilt, as well: their guilt that they had broken the law, and their fear that in the years to come, they would be found liable or convicted. They knew better than anyone else what they had done—they must have had good reason to be concerned!

Thankfully, executive immunity is not part of the bill before us, but the origin of immunity tells us a great deal about what is at stake here. That is, and always has been, a self-preservation bill.

Second, immunity supporters claim that only foreign communications were targeted, not Americans' domestic calls. For those who were listening, I just read two documents from an AT&T official of 22 years who was deeply involved in helping set up the very systems, and from Dr. Reid, who then analyzed all the materials that have been presented by Mark Klein to determine exactly how the system worked. The fact is clear: Firsthand evidence, authenticated by corporations in court, contradicts the claim. Splitters at the AT&T Internet hub in San Francisco diverted to a secret, NSA-controlled room every e-mail, every text message, every phone call, foreign and domestic, carried over the massive fiber-optic links of 16 separate companies.

Third, immunity supporters claim that the Intelligence Committee version of this bill actually does preserve a role for the judiciary. But, again, the fact is that the role would be empty. The Intelligence version of this bill would require the cases to be dismissed at a word from the Attorney General. The central legal questions raised by these cases would never be heard in court. The cases would never

be fully closed. We would never truly know what happened.

The fourth argument is that a lack of immunity will make the telecom industry less likely to cooperate with surveillance in the future.

However, in the 1970s, FISA compelled telecommunications companies to cooperate with surveillance. In fact, AT&T helped write this law some 30 years ago. But they could only get that cooperation from the telecommunications industry when it is warranted, literally where there is a court order. But if the court order is given, the cooperating telecom is immunized. No warrant, no immunity.

So cooperation in warranted wiretapping is not at stake today. Collusion in warrantless wiretapping is—and the warrant makes all the difference, because it is precisely the court's blessing that brings Presidential power under the rule of law.

The fifth argument immunity supporters offer is that the telecoms cannot defend themselves without exposing state secrets. But the fact is that Federal district court judge Vaughn Walker—I might point out, appointed by a Republican administration—has already ruled on this matter that the issue can go to trial without putting state secrets in jeopardy. Judge Walker reasonably pointed out that the existence of the President's surveillance program is all hardly a secret at all today. We are debating it here, and have been. It is has been in the discussion for weeks on end. You can't claim there is a secret about the surveillance program.

As Judge Walker said:

> The Government has already disclosed the general contours of the Terrorist Surveillance Program, which requires the assistance of a telecommunications provider.

The sixth argument offered by supporters of immunity claims that telecom companies are already protected by common law principles.

But again, the fact is that common law immunities do not trump specific legal duties imposed by statute, such as the specific duties to protect customer privacy that Congress has long imposed on these telecommunication companies, going back almost 30 years.

In the pending case against AT&T, the judge has already ruled unequivocally, and I quote:

> That AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

Even so, the communication company defendants can and should, I believe, have the opportunity to present these defenses to the courts. I am not suggesting by that quote that there ought to be a predetermined verdict. As I said a moment ago, I am not pretending I am a judge here. All I am asking is that these cases go forward and a determination made as to whether they were legal. The defendants can and should have the opportunity to present these defenses to the courts; and the courts, not the Congress preemptively, should decide whether they are sufficient.

The seventh argument offered by the supporters of the retroactive immunity says that leaks from the trial might damage national security. We heard this argument from my good friend from Virginia, Senator WARNER. But the fact is, our Federal court system has already dealt for decades with the most delicate national security matters, building up expertise in protecting classified information behind closed doors in what are called ex parte and in camera proceedings. We can expect, I think, no less in these cases as well.

If we are worried about national security being threatened as a result, we can simply get the principals a security clearance. No intelligence sources need be compromised; no state secrets need to be exposed. And we can say so with increasing confidence, because after the extensive litigation that has taken place at both the district court and circuit court levels on this matter already, no sensitive information has leaked out. I think it is a red herring to suggest somehow that you cannot go to court here when we have proved for decades the courts' ability to handle national security matters without leaking.

An eighth argument offered by immunity supporters claims that litigation will harm the telecoms by causing them ''reputational damage.'' The fact is there is no evidence that this legislation has reduced or would reduce the defendant companies' bottom lines or customer base. This morning I quoted from the Dow Jones Market Watch. The date is October 23, 2007, well after the reports were out about AT&T's involvement in the surveillance program.

> Third quarter earnings rose 41.5 percent. Boosted by the acquisition of BellSouth and the addition of 2 million net wireless customers, AT&T's net income was $3.06 billion, compared with $2.17 billion a year ago.

Hardly a company that is suffering reputational damage. AT&T has posted these record profits during a time of very public litigation. So the argument that reputational damage somehow prevents us from going forward has no basis in fact.

But moreover, to claim that ''reputational damage'' ought to trump our rights and liberties—I find it frightening that anyone in government would even make that argument. To say that a violation of millions of Americans' privacy over 5 years is outweighed by the potential for reputational damage is to show a rather extraordinary lack of balance when it comes to understanding the relative importance of these issues.

A ninth argument made by those in favor of retroactive immunity claims that these lawsuits could bankrupt the telecommunications industry. But the fact is that only the most exorbitant and unlikely judgment could completely wipe out such enormous corporations. To assume that the telecommunications industry would lose and that the judges would then hand down such back-breaking penalties is already to take several leaps from where we are today.

The point, after all, has never been to cripple our telecommunications industry; the point is to bring checks and balances back to domestic surveillance. Setting that precedent would hardly require a crippling judgment.

But on another level, immunity supporters are staking their claim on a dangerous principle: that a lawsuit can be stopped simply on the basis of how much a defendant stands to lose. The larger the corporation, in other words, the more lawless it could be. If we accept the immunity supporters' premises, we could conceive of a corporation so wealthy, so integral to our economy, that its riches place it outside the law altogether. And if the administration's thinking even admits that possibility, we know instinctively how flawed it is.

We see then none of those arguments for immunity stand up to the test. All nine of them fail.

I am not here again to render judgment on the telecom corporations. I have my doubts, but that's not why I'm here. All I am suggesting is that when you grant this kind of immunity once, what is to stop someone from making that argument again, in a later debate, when maybe someone will be asked to collect information about our medical histories or our financial records or some other personal matters? They would wave that vote back in our face: Democrats, Republicans found no difficulty in granting retroactive immunity for telecommunications surveillance; why would you object today when it comes to people's medical records, or their financial records, or other private information?

You start down that slippery slope, and nothing good can come of it. This ought not be a difficult debate.

So I am surprised and stunned to listen to some of my more conservative colleagues here. I used to associate conservative principles with standing up for privacy, a principle once held sacrosanct. It is rather stunning to me today to listen to some of the more conservative Members argue for retroactive immunity, that somehow it was all right for those companies to do what they did. I hear that they did not know any better, that somehow they got drawn into this by mistake. If that were true of every one of them, well, maybe that point would have a little more weight. But there were companies such as Qwest that said, ''No, give me a court order, and then I will comply.'' Why did the Qwest lawyers arrive at a different decision? Was it a great secret within the telecommunications industry that there were those who said no? Why did Qwest say no and others say yes? I believe they understood the law, and they realized that without a court order they could not legally comply with that request.

I might point out that no court order was ever forthcoming. Why did not the administration seek that court order for Qwest to get additional information? Why did they drop that kind of request? I might point out, as I did earlier today, that over the years, I am told by The Washington Post, there have been over 18,000 requests of the FISA Court for court orders, and of more than 18,000 requests, only 5 have been rejected. 99.9 percent of the requests by administrations for court orders over the years in the FISA Court have been granted.

Why would you not ask? Why did they not go forward and make that request? Why did Qwest say no? Why did the others say yes? Why are we granting immunity to these companies, without going through the courts of law to determine what is right?

Again, this ought not be a debate between Democrats and Republicans and conservatives and liberals. It ought to be a debate about defending these basic rights we have here in America. Companies that may have violated them deserve their day in a court of law. But immunizing them for a program that went on for not for a day or two or a week or 6 months or even a year, but for 5 years and only stopped when exposed by a whistleblower ought to cause all of us to pause. Clearly we want to keep our country safe, but if we are being asked to keep our country safe by giving up our rights, then we are granting these jihadists and terrorists victories far beyond anything they have yet achieved.

As tragic as the events of 9/11 were, if we begin to undo our own liberties and rights, we give them a success far beyond anything they could have ever imagined. I have been here today for the last 8 hours, and I will stay here for as long as it takes.

At the appropriate time, when we have exhausted the ability to talk about it generally, I will offer the language to strike it, and I hope my colleagues will join me in that effort. But I am determined not to let this go forward, because I think we have done that too often. I myself have been guilty of accepting far too much from this administration. Just one small thing is at issue today. But then I start to look back at all of the small things that have been done, so-called ''small things'' over the last 5 or 6 years—most recently, the destruction of interrogation tapes at the CIA. And the combined weight of these ''small things'' truly frightens me.

What was going on at the CIA? Why did that happen? Why Abu Ghraib? Why Guantanamo? Why get rid of habeas corpus? Why bring back waterboarding? Why do away with the Geneva Conventions? Why nominate someone to be the Attorney General who believes that Presidents have the right to violate Federal statutes here under the guise of protecting the Nation's security?

Why, after each one of those these things? Why the Military Commissions Act? In case after case after case, we see the slow erosion going on. And again, regardless of what your politics are, regardless of where you find yourself on the spectrum, when our basic rights are involved, we must stand up and say, ''Enough!''

A generation ago, Members of this body sat here, and had only one negative vote as they worked out the original FISA law, that balance between our needs to protect our security and to protect our rights. Here we are about to make a major step in the opposite direction. And those gentlemen faced tough times. They were wrestling with the threat of nuclear war in the 1970s. The Soviet Union still existed. They had been through World War II, many of them, Korea and Vietnam. They knew what hostility and difficulty were like. And yet Democrats and Republicans came together and wrote that legislation. On 30 separate occasions since then they modernized it to keep pace with the changes occurring throughout the world, where new risks and new dangers are posed every day. So yes, we should modernize FISA and bring it up to date. I applaud the committees' efforts to do so. But to add retroactive immunity, to grant blanket immunity to companies that listened in on millions of people in this country without a court order, is a step too far.

Listen to the remarks of our colleague from Massachusetts today in talking about the legal counsel of this administration. Their words: to blow through these laws. They did not like them? Blow through them! That was their attitude. Well, I am going to stop the blowing through. No more blowing through the laws. Not here, not tonight, not this Member, not on this bill. No more blowing through the law!

You do not get immunity, not as long as I can stand here and fight this. I intend to do just that.

Madam President, I withhold the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. It is not counted against the time.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. HATCH. Mr. President, on numerous occasions in the FISA debate, we have seen dramatic fear mongering. Many individuals, particularly on partisan blogs, are spreading misleading and malicious information in order to incite fear of alleged governmental activities. This bill should not include text which panders to people who believe in imaginary Government conspiracies. There is such a thing as irrational fear of Government.

Let's not forget, our Government did not kill thousands of innocent Americans on September 11. Our Government did not kill hundreds of people in car bombings in U.S. embassies in Kenya and Tanzania. Our Government did not kill 191 people in the Madrid train bombings. Our Government did not kill 52 people in the London train bombings. Our Government did not kill 202 people in suicide bombings Bali, Indonesia. The indisputable fact is terrorists have committed heinous attacks on Americans and have pledged themselves to conduct more. It is not politics of fear to acknowledge this. If we bury our heads in the sand and pass legislation that ignores these risks, we make ourselves and all our people more vulnerable. I will not stand by and see Congress pass laws which could create vulnerabilities for our people, vulnerabilities which expose our families and our friends to danger.

Let me tell you what our Government does to protect us. It hires the finest men and women of this great country to utilize their skills to help prevent these types of attacks. Our job in Congress is to make sure these people who have sworn to defend us have the necessary tools to try and prevent terrorist attacks. What they don't need are laws with ambiguous language, as has been proposed, making their jobs more difficult.

One of my colleagues previously stated:

> The authority in this bill greatly expands the Government's ability to conduct surveillance of foreign targets.

How in the world he can make that statement, I don't understand. The only great expansion I see in this bill is judicial jurisdiction. In fact, I am amazed we don't rename the bill the unlimited expansion of judicial authority act. We have advocated so much new responsibility for the Foreign Intelligence Surveillance Court that I wonder whether people realize that court is composed of only 11 judges. Where is this great expansion in surveillance authority that has been argued on the floor?

Since FISA was passed in 1978, the Government has been able to target terrorists overseas. This bill amends FISA so we can continue to target foreign terrorists when they utilize communications over a wire, not just communications over radio or satellite. This does not sound to me like a great expansion. Maybe that is why the Government has continued to say FISA needed to be ''modernized,'' not that it needed to be greatly expanded. There is, however, a key expansion in the bill. It is a statutory warrant requirement when targeting U.S. persons, regardless of who they are, what they have done or where they are located. Notice I said U.S. persons, not U.S. citizens. This idea may sound great to everyone, but we should realize, with eyes wide open, what this means. We have heard some individuals claim the Government could use the power of the Protect America Act to spy on innocent Americans. We have heard the fear

mongering that the Government can spy on innocent Americans when they travel overseas. We have heard all about American families on vacation overseas in the Caribbean or in Europe. We have even heard our Government could spy on American military members who are overseas defending our country.

I find these scare tactics not only ridiculous but extremely offensive. They walk a fine line in seemingly questioning the integrity and the judgment of these fine men and women who work for us and who don't have a political agenda, who have dedicated their professional lives to prevent catastrophic attacks on Americans. Do we think our intelligence analysts are sitting around waiting for the Smith family to go on their family vacation to Italy so they can tap their cell phones? Give me a break. To imply that our country's intelligence analysts are more concerned with random innocent Americans than foreign terrorists overseas is a slap in the face to the people who protect our Nation. Our Government is focusing their attention on terrorists who wish us death, not on innocent Americans.

When some decry the lack of statutory protection for Americans overseas in the Protect America Act, I wonder if they realize the 1978 FISA law itself provides no statutory protections for Americans overseas. Yet we have called that the gold standard all these years. I would, however, tell my colleagues that Americans overseas are protected by the most important document in the history of our great Nation, and that is the U.S. Constitution. The fourth amendment to the Constitution provides protection from unreasonable search and seizure. That is the question. Is it always unreasonable for the Government to target an American overseas without a court order? Of course not. I would suggest the process that has worked for 26 years is the best approach. It is Executive Order 12333. Since 1981, the Government could only target Americans overseas if the Attorney General determined via probable cause that the American was an agent of a foreign power. Do we think an intelligence analyst is going to disregard an executive order and wiretap innocent Americans overseas? Of course not.

Now, with the policy change included in both the Intelligence and Judiciary bills, I want to give an example of how this provision will apply in real life.

Adam Gadahn is an American citizen from Orange County, CA. He is also one of the FBI's most wanted terrorists now believed to be living overseas. He has been indicted for treason and providing material support to al-Qaida. Here is what he said:

> The streets of America shall run red with blood . . . casualties will be too many to count and the next wave of attacks may come at any moment.

He has appeared on multiple al-Qaida propaganda tapes. Here is another quote:

> The magnitude and ferocity of what is coming your way will make you forget all about September 11.

Here is something that should make all Americans scratch their heads. Before September 11, the Government would not need a warrant to target this criminal. After September 11, the Government would not need a warrant to target Gadahn. But after this bill is signed, the Government will be required to get a warrant to target Gadahn. This bill does require that.

Let's explain that one to the American public.

Would a warrantless interception of Gadahn's communications be ''unreasonable'' under the fourth amendment? Of course not. But we are requiring something that even the Founding Fathers did not—a warrant for all electronic searches of U.S. persons.

Now I understand the administration is willing to accept a modified version of this amendment that does not include unintended consequences. It is yet another example of how far this proposal goes to satisfy determined detractors who never seem to be satisfied that we are doing enough to ''protect'' innocent Americans.

I am also amazed at the false descriptions floating around the Internet of the program which the President described on December 17, 2005, during a radio address. We have all heard the terms: ''warrantless wiretapping'' or ''domestic spying.'' But let's look at what the President actually said during his radio address on December 17, 2005. This is what he said:

> In the weeks following the terrorist attacks on our Nation, I authorized the National Security Agency, consistent with U.S. law and the Constitution, to intercept the international communications of people with known links to al Qaeda and related terrorist organizations. Before we intercept these communications, the government must have information that establishes a clear link to these terrorist networks.

Now I do not see anything in this statement about domestic spying. I thought the definition of the word ''domestic'' was pretty clear. If the program intercepted communications in which at least one party was overseas, not to mention a member of al-Qaida, then it seems fairly obvious that the calls were not domestic.

Here, as shown on this chart, is a call from the United States of America to overseas; or a call from overseas to the United States of America. Is that a domestic call? I hardly think so. Is this such a hard concept to grasp? The last time I flew overseas, I did not fly on a domestic flight. I flew on an international flight. ''Domestic spying'' may sound catchy and mysterious, but it is a completely inaccurate way to describe the terrorist surveillance program. Why don't the partisan blogs describe it as ''international spying''? Isn't that a more accurate description? I guess accurate descriptions take a back seat to terms which incite fear and distrust in our Government.

Since so many are so interested in the opinion of the FISC, or the Foreign Intelligence Surveillance Court, on these matters, I wish to draw attention to a recent decision. On Tuesday, the Foreign Intelligence Surveillance Court denied a motion by the ACLU for release of court records related to alleged NSA surveillance programs. This FISC opinion was publicly released, which is only the third time in the entire history of the FISC in which this has occurred.

Given the rarity of this event—this issued public opinion that denied a motion by the ACLU for the release of court records related to alleged NSA surveillance programs—I want to highlight a few sentences from that ruling:

> [T]he identification of targets and methods of surveillance would permit adversaries to evade surveillance, conceal their activities, and possibly mislead investigators through false information. Public identification of targets, and those in communication with them, would also likely result in harassment of, or more grievous injury to, persons who might be exonerated after full investigation. Disclosures about confidential sources of information would chill current and potential sources from providing information, and might put some in personal jeopardy. Disclosure of some forms of intelligence gathering could harm national security in other ways, such as damaging relations with foreign governments. All these possible harms are real and significant, and, quite frankly, beyond debate.

Now, that is in re: Motion for release of court records of the U.S. Foreign Intelligence Surveillance Court, December 7 of this year.

I think we can all agree this is a vitally important public opinion from the FISA, and I commend it to my colleagues.

Regardless of how we came to this moment, it is time to do what is right for our country. The time has come for us to work together. We all know it is going to take bipartisan support to get this legislation passed. Let's represent our constituents with our heads held high, knowing we are doing our very best to balance the necessity for protections of civil liberties with the need to keep American families safe from deadly attacks. We owe our people this much.

I hope we can continue to work, as the Intelligence Committee did, in a bipartisan way to resolve these very difficult problems. I have to say that the 13-to-2 bipartisan approach is one of the highlights of this year. It is probably the best example of bipartisanship we have this year. I have to tell you, to try to change that with some of the language from the Judiciary Committee—where it was a pure partisan vote on both sides—to try to change that is not the way to do it.

So I hope our colleagues will realize that in the Intelligence Committee, in a bipartisan way, we have worked together to come up with the ways of solving these very technical and difficult problems, and to do so in the best traditions of the intelligence community, in the best traditions of gathering intelligence information, and in the best traditions of protecting our

country that this country has ever known.

Frankly, I compliment the distinguished chairman of the Intelligence Committee, the distinguished vice chairman of the Intelligence Committee, and my fellow Senators on the committee, Democrats and Republicans, who were willing to put partisanship aside and pass that bill 13 to 2 out of that committee.

Mr. President, I notice my dear friend from Florida is desirous to speak on the floor, so I will withhold my further remarks and turn the time over to him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I compliment the Senator from Utah, who has been a member of the Intelligence Committee for years and years, and who brings a lot of good common sense to the committee. I echo his comments about the bipartisan nature of Chairman ROCKEFELLER and Vice Chairman BOND working together. It was something that this member of the Intelligence Committee had seen earlier this year break down, and I must say this member of the Intelligence Committee absolutely reminded everybody on the committee that the committee ought to work of one accord, reaching consensus when we can reach that consensus, and, at the end of the day, that the product not only be a bipartisan product, it ought to be a nonpartisan product.

Mr. HATCH. Mr. President, will the Senator yield on that point?

Mr. NELSON of Florida. I certainly do yield to my friend.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks. He was one of the Senators who helped to put this bill together, and a distinguished Senator at that.

Would the Senator agree with me that should this bill pass, it would be one of the best illustrations of bipartisanship in this whole Congress so far?

Mr. NELSON of Florida. Indeed, Mr. President, it would be. And we have to pass a FISA bill. For many of the reasons you have heard—the changing technology—we have to give the legal authorization to the U.S. Government. That is another reason for having a clear delineation in law of what the Government can do and what it cannot do. Because, unfortunately, what we have seen over the last several years is the intrusion into this murky area without the necessary legal binding, that it was clearly legal as to what was being done. That is what is so necessary about passing a piece of legislation such as we have before us in the form of which we are just on the motion to proceed.

Now, I voted for closing off debate on the motion to proceed because it is clearly important that we get a law and pass this legislation. It improves on the legislation we passed last August, where it is going to provide protections for Americans both in the United States and abroad. But naturally in something as complicated as this, I am not satisfied completely with what is in the bill. That is why we ought to get to the bill, so we can start amending or considering amendments.

For example, the Senator from Connecticut—when we ever get to the bill—is going to offer the amendment that I offered in the Intelligence Committee, which was the amendment to take away immunity from the telephone companies. It was specifically targeted to strip the provisions of the bill that provided immunity to the telecommunications companies for assistance provided to the administration for warrantless surveillance in a defined period of time—from September 11, 2001, until January 17, 2007.

The reason I offered that in the committee was, I felt it was hugely premature for our committee to grant that retroactive immunity to those telecommunications carriers when, in fact, the White House had only come forth with the documents that we could inspect only 48 hours prior to when we were going to vote on it.

I am still troubled by the idea of a blanket retroactive immunity. Whether they deserve a break for their cooperation with the Government's warrantless program in the aftermath of September 11, that is one thing. But this went on for 6 years.

I can certainly understand, in the aftermath of the horror of what we saw on September 11, 2001, that a President would need, for the protection of the country—and using his article II powers of the Constitution as Commander in Chief to protect the country—that he could say to telecommunications companies: We need this information. There is a law over here called the FISA law that says if you want to snoop on any American person, you have to do it by getting a court order by a special Federal court that is organized under law to handle these secret national security matters in secret.

I can see telecommunications companies going along, that in the urgency of the aftermath of September 11—we do not know when the next strike is coming; it may be the next day, it may be the next week—that the telecommunications companies cooperated when the President said and the communications come to them saying: This is under the legal authority of the President. I can understand that. But after a year? After 2 years? After 3 years? How about 4 years? How about 5 years, when clearly there is a law on the books that if it is going to touch Americans, you have to go to the special Federal court impaneled by Federal judges who are cleared for top-secret information? Now, that is what bothers me.

There is another part that bothers me, which is that in the separation of powers envisioned in our Constitution, the first article of the Constitution is setting up the legislative branch of Government. The second article sets up the executive branch of Government—the President. The Constitution envisioned that there is a check and a balance of each of those on the other. For example, something doesn't become law that the legislative branch—the Congress—passes. It can't become law without the signature of the President. But if Congress disagrees with the President, they can override the President's Veto with a two-thirds vote. So there is this tension built into the system of one branch overseeing the other. It is appropriate that the legislative branch oversees the activities of the executive branch.

But that is not what was going on with this matter of surveillance because the legislative branch was left in the dark. The President ignored the Congress. The President ignored the courts when he authorized the warrantless surveillance program and Congress's attempts to conduct the oversight of the program. All those attempts were constantly thwarted. So, therefore, I also have a problem with retroactive immunity—that it would make a mockery of our separation of powers.

Now, having said all that, as a member of the Intelligence Committee, I have still a check in my gut as to whether there would be some lack of cooperation among telecommunications companies with the executive branch of government on a going-forward basis if there is not some form of immunity that is given to these telecommunications companies. I know that on a going-forward basis there cannot be any question that we have the cooperation of those companies with the Government in order to protect this country and to provide for the national security.

So I am looking forward to the debate continuing as we flesh out all these ideas. I am particularly intrigued with an amendment that is going to be offered by Senator FEINSTEIN, of which I am a cosponsor, which would provide a forum handling classified material in the FISA court itself in order to consider the question of immunity and that there would be a determination in this special Federal court as to whether the immunity ought to be given. I think that is something we ought to debate. We ought to get it clear when we get to the bill. But in the meantime, I share with the Senate my reservations about this part of the bill and about the immunity.

Let me say at the end of the day—whether we have immunity in the bill or whether it is not in the bill or whether there is some hybrid version such as the Feinstein amendment, at the end of the day, we are going to need to make this FISA law permanent because it is going to run out in February. We have to clearly have this etched into law so on a going-forward basis we can provide for the security of this country.

Mr. DODD. Mr. President, will the Senator yield for a question?

Mr. NELSON of Florida. I certainly will yield to my friend from Connecticut.

Mr. DODD. I say to my colleague from Florida, I appreciate immensely his leadership on so many issues, but especially on the committee itself. I was stunned by the number of requests made of the FISA Court over the years for court orders to various entities. There have been over 18,000 granted court order requests and 5 rejections in 25 years. Some have argued a fear that we might not get an approval by the FISA Court, but in 99.9 percent of the times that Presidents of both parties over the years or administrations have sought the approval of the FISA Court for a court order to seek information, in only 5 cases over more than 25 years have those requests been rejected.

I thank the Senator from Florida for raising the point. This is not about denying our agencies the opportunity, the ability, the means by which they gather information to keep us secure; it is merely saying so that in the process of doing so, there is a way of doing this, which grants them the opportunity to do that while simultaneously protecting our basic liberties. So I thank the Senator from Florida.

Mr. NELSON of Florida. Mr. President, I would respond to the very distinguished Senator from Connecticut that those kinds of reports have been in the press for some time, and I think generally they are considered to be true. However, a lot of that operated under the old law, which had a 3-day limit, that in the case of a national emergency, the President wouldn't have to first go and get a court order.

Instead, he could go on under the emergency conditions and surveil the particular target, if it were an American person but, under the old law, would have to go back to the court within 3 days to get that order or else cease their surveillance. In the new law that was passed on a temporary basis for 6 months, that we passed last August, that 3 days has been extended to 7 days to give more leeway. Certainly, if someone in the Government feels that a person—an American person—should be surveilled in their communications but it was an emergency basis, that they don't have time to go to the court, the law as it stands now and under the new FISA bill we are considering on this floor would say that within 7 days, the executive branch would have to go and get that court order called a warrant or else cease the surveillance.

Now, that is very reasonable, and it is a lot of that kind of stuff that is in this bill that is so necessary to have this etched into a permanent law, not a law that is going to sunset in 6 months—next February. That is part of the gravity of the legislation before us. Now we have to get to this very sensitive issue of immunity and how to handle it. Although I have stated I am certainly sympathetic; indeed, the Senator's amendment he is going to offer is the one I offered and that was defeated. It only got three affirmative votes in the committee. So my amendment in the committee did not prevail. Nevertheless, there are other amendments coming after the Senator's amendment, if his is not—if the amendment of the Senator from Connecticut is not adopted—that do take a very practical approach. The Feinstein amendment which I have cosponsored is one where the issue of immunity would be determined in the FISA Court itself that is set up in order to handle these national security matters.

I yield the floor.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I join the senior Senator in Connecticut in rising in strong opposition to the retroactive immunity provisions contained in the bill before us today. I thank Senator DODD for his strong opposition and leadership and courage to make this fight.

Earlier today, I opposed the cloture vote because I don't believe we should consider providing immunity to corporations that broke the law, breached the Constitution, and trampled on Americans' civil liberties. It is pretty much as simple as that.

As Senators DODD, FEINGOLD, and others have made clear throughout this day, this is a matter of law, this is a matter of basic civil liberties, and this is a matter of accountability.

The decisions we make when we vote on this bill have bearing on every single American because the rights and protections the Constitution provides are precious to every single American. That is what we stand for as a nation.

No individual or corporation can breach the Constitution and break the law. No individual or corporation can breach the Constitution and break the law, even if the Federal Government tells them to do it.

Corporations cannot rely on a piece of paper handed to them by the administration that says that an act on the very face of it sounds illegal but it is, in fact, legal. They have, and they had, an independent obligation as corporations to assess the legality of wiretapping before engaging in it. That is why some telecommunications companies refused to comply when the administration asked them to wiretap. All of them should have taken that step.

The Constitution does not allow companies to rely on the executive branch to interpret the Constitution for them. When the fundamental constitutional rights of Americans are at issue, corporations have one—and only one—course of action: they must act in accordance with the law; they must act in accordance with the Constitution.

Some in this body have suggested that these companies were compelled to go along with the administration's illegal wiretapping program because of 9/11 and because of the very real danger of foreign terrorist attacks. Mr. President, while all of us—every 1 of the 100 Members of this body—wants to protect America at all costs, these companies went along with this program absent a legal warrant or court order for over 5 years after 9/11.

These multibillion-dollar corporations have teams of lawyers that assess the meaning and implication of Federal law as it relates to every move they make. But this time, now, we are asked to accept that highly trained lawyers working for these companies could not clearly understand and interpret the Constitution or interpret the requirements of FISA, a law that is more than 30 years old.

It would be a total and absolute assault on the Constitution to allow a small group of companies to ignore Federal law simply because they were asked to by the President—whoever the President is.

It is important for all those listening to take a good look at whom the administration is fighting for and whom it is representing.

President Bush has threatened to veto this bill unless it contains the retroactive immunity provisions but not because the protections for citizens are too weak. The President will veto this bill, he says, frankly, because he is concerned about the bank accounts of a handful of telecommunications companies.

Since when did money trump constitutional freedom? Since when did corporate connections matter more than the rule of law?

Congress has the responsibility to protect the freedoms and the rights of all citizens. Our Government should be open and transparent and, when rights are infringed, there should be an opportunity to seek legal redress in a court of law.

That is why our system of government contains a judicial branch: to litigate infringements of rights, to assess the constitutionality of laws and programs.

The retroactive immunity provisions in this bill will make it impossible to hold those who broke the law accountable for their illegal actions. That is wrong, Mr. President, and that is dangerous.

We must remember that by protecting our civil liberties we protect our Nation and our values.

I urge all my colleagues to vote for the Dodd-Feingold amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank my colleague from Ohio for his continuing efforts here. He is not a newcomer at

all to these issues. I thank him for his words, support, and knowledge of the issue, and his continuing efforts to see if we can get a good bill out of here and not add extraneous matters such as this.

As I heard Senator NELSON of Florida talk earlier, I thought—I think many of us thought that had this been a day or a week after 9/11, we might have found the telecoms' actions more understandable. In the heat of emergency, we might have accepted some excessive aggression. I can understand people drawing that conclusion.

But this program went on for 5 long years. The idea that we grant retroactive immunity for actions over 5 long years goes way beyond anything anybody ought to accept in this body.

Retroactive immunity, under these circumstance, would be a massive step backward in light of this administration's assault on the Constitution and the rule of law. Again, I thank my colleague from Ohio.

Mr. KERRY. Mr. President, today I voted against cloture on the motion to proceed to S. 2448 as reported by the Senate Intelligence Committee because I believe that we should instead be taking up on the Senate floor the far better bill reported out by the Judiciary Committee.

Congress has a duty to protect the American people—and to protect the Constitution. That is the oath we take. It is a solemn pledge, and in my judgment the Judiciary Committee bill better reflects the oath we each swear to uphold. Why? The Judiciary Committee's bill gives the President the added flexibility he needs to hunt and capture terrorists who would strike our homeland—but it strikes an appropriate balance between protecting the privacy rights of American citizens and providing the President adequate tools to fight international terrorism.

This is no small issue. It is the job of Congress to find the right balance between protecting privacy and safeguarding national security. The judiciary bill makes critical improvements to the Protect America Act to ensure independent judicial oversight by the Foreign Intelligence Surveillance Court, FISC. It allows the secret FISC greater authority to act as an independent check on unfettered Executive power. The judiciary bill provides the court the authority to assess the Government's ongoing compliance with its wiretapping procedures, places limits on the way the Government uses information acquired about Americans, and lets the court enforce its own orders.

The judiciary bill also safeguards Americans against widespread warrantless spying. It reaffirms that FISA is the exclusive statutory authority for conducting foreign intelligence surveillance, prohibits limitless ''fishing expeditions''—so-called ''bulk collection'' of all communications between the United States and overseas, and ensures that the Government cannot eavesdrop on Americans under the guise of targeting foreigners—what is known as ''reverse targeting.''

Most importantly, unlike the Intelligence bill, the judiciary bill does not provide retroactive amnesty to telecommunications providers that were complicit in the administration's warrantless spying program. I fear this administration is deliberately stonewalling to avoid an adverse court decision finding its surveillance program to be unconstitutional. It is seeking political security in the name of national security.

The heart of the matter is that allowing Americans their day in court—introducing some kind of accountability, affording some kind of objective authority, in lieu of the Bush administration, to adjudicate competing claims—will shed much-needed light on the administration's secret surveillance program. If the lawsuits are shielded by Congress, the courts may never rule on whether the administration's surveillance activities were lawful. We must hold the administration to account. And an impartial court of law insulated from political pressure is the most appropriate setting in which to receive a fair hearing.

If the telecoms were following the law, they should get immunity, as Congress explicitly provided under the original FISA law. But our courts should decide, not Congress—and that is a matter of principle protected in the judiciary bill, which is the bipartisan bill that should be under consideration.

Mr. LEAHY. Mr. President, the Foreign Intelligence Surveillance Act—FISA—is intended to protect both our national security and the privacy and civil liberties of Americans. We are considering amendments to that important act that will provide new flexibility to our intelligence community. I think we all support surveillance authority, and we have joined together to update FISA dozens of times since its historic passage after the intelligence abuses of earlier decades. I thank the majority leader for his efforts in bringing this matter before the Senate. He has consulted with me and with Chairman ROCKEFELLER and is proceeding by regular order to bring this legislation before the Senate in a manner that allows deliberation of the many protections of Americans' rights added to the bill during consideration by the Senate Judiciary Committee.

It is vitally important that we correct the excesses of the so-called Protect America Act that was rushed through the Senate in an atmosphere of fear and intimidation just before the August recess after the administration reneged on agreements reached with congressional leaders. That bill was hurriedly passed under intense, partisan pressure from the administration. It provided sweeping new powers to the Government to engage in surveillance, without a warrant, of international calls to and from the United States involving Americans, and it provided no meaningful protection for the privacy and civil liberties of the Americans who are on those calls.

Before that flawed bill passed, Senator ROCKEFELLER and I, and several others in the House and the Senate, worked hard and in good faith with the administration to craft legislation that solved an identified problem but also protected Americans' privacy and liberties. Just before the August recess the administration decided, instead, to ram through its version of the so-called Protect America Act with excessive grants of Government authority and without accountability or checks and balances. After almost 6 years of violating FISA through secret warrantless wiretapping programs, that was wrong. A number of us supported the better balanced alternative and voted against the Protect America Act as drafted by the administration.

Fortunately, because the Protect America Act has a 6-month sunset, we have a chance to revisit this matter and do it right. The Judiciary Committees and Intelligence Committees in the Senate and the House have spent the past months considering changes to FISA. In the Senate Judiciary Committee, we held open hearings and countless briefings and meetings to consider new surveillance legislation. We considered legislative language in a number of open business meetings of the committee and reported a good bill to the Senate before Thanksgiving.

The bill we are considering will permit the Government, while targeting overseas, to review more Americans' communications with less court supervision than ever before. I support this surveillance, but we must also take care to protect Americans' liberties. Attorney General Mukasey said at his nomination hearing that ''protecting civil liberties, and people's confidence that those liberties are protected, is a part of protecting national security.'' On that I agree with him. That is what the Senate Judiciary bill does.

I commend the House of Representatives for passing a bill, the RESTORE Act, that takes a balanced approach to these issues. It allows our intelligence community great flexibility to conduct surveillance on overseas targets, while providing oversight and protection for Americans' civil liberties. The Senate Select Committee on Intelligence has also worked hard. I know that Chairman ROCKEFELLER was as disappointed as I at the administration's partisan maneuvering just before the August recess. I commended his efforts this summer and do so, again, now. I believe that he and I both want surveillance with oversight and accountability.

I also want to praise our joint members, Senators FEINSTEIN, FEINGOLD, and WHITEHOUSE, who as members of both the Judiciary Committee and the Select Committee on Intelligence contributed so much to the work of the Judiciary Committee and who worked with me to author many of the additional protections that we adopted and

reported. These Senators and others on the Judiciary Committee worked hard to craft amendments that preserve the basic structure and authority proposed in the bill reported by the Select Committee on Intelligence, while adding crucial protections for Americans.

In my view, and I think the view of many Senators, we need to do more than the bill initially reported by the Senate Select Committee on Intelligence to protect the rights of Americans. Indeed, Senator ROCKEFELLER joins with me to support many of the Judiciary Committee's improvements.

The Judiciary bill, for example, makes clear that the Government cannot claim authority to operate outside the law—outside of FISA—by alluding to legislative measures that were never intended to provide such exceptional authority. This administration has come to argue that the Authorization for the Use of Military Force, AUMF, passed after September 11, justified conducting warrantless surveillance of Americans for more than 5 years. I introduced a resolution on this in the last Congress, when we first heard this canard. When we authorized going after Osama bin Laden, the Senate did not authorize—explicitly or implicitly—warrantless wiretapping of Americans. Yet this administration still clings to this phony legal argument. The Judiciary bill would prevent that dangerous contention with strong language reaffirming that FISA is the exclusive means for conducting electronic surveillance for foreign intelligence purposes.

The Judiciary bill would also provide a more meaningful role for the FISA Court in this new surveillance. The court is a critical independent check on Government excess in the very sensitive area of electronic surveillance. The fundamental purpose of many of the Judiciary Committee changes is to assure that this important, independent check remains meaningful.

On one important issue, I strongly oppose the bill reported by the Senate Select Committee on Intelligence. That bill includes one provision that goes beyond even the so-called Protect America Act. It would grant blanket retroactive immunity to telecommunications carriers for their warrantless surveillance activities from 2001 through earlier this year contrary to FISA and in violation of the privacy rights of Americans.

This administration violated FISA by conducting warrantless surveillance for more than 5 years. They got caught, and if they hadn't, they would probably still be doing it. When the public found out about the President's illegal surveillance of Americans, the administration and the telephone companies were sued by citizens who believe their privacy and their rights were violated. Now the administration is trying to get this Congress to terminate those lawsuits in order to insulate itself from accountability. We should not allow this to happen.

The rule of law is fundamentally important in our system, and so is protecting the rights of Americans from unlawful surveillance. I do not believe that Congress can or should seek to take those rights and those claims from those already harmed. Instead, I will continue to work with Senator SPECTER, as well as with Senators FEINSTEIN and WHITEHOUSE, to try to craft a more effective alternative to retroactive immunity. We are working with the legal concept of substitution to place the Government in the shoes of the private defendants that acted at its behest and to let it assume full responsibility for the illegal conduct.

I voted for cloture on the motion to proceed to the measure, just as I would have supported proceeding to the House-passed bill, because I believe it is important that we correct the excesses of the so-called Protect America Act. The Judiciary Committee has done good work in reporting protective measures to the Senate to add balance to the surveillance powers of the Government and to better ensure the rights of Americans. I strongly oppose retroactive immunity in favor of accountability.

As we debate these issues, let us keep in mind the reason we have FISA in the first place. Not so long ago, we painfully learned the hard lesson that powerful surveillance tools, without adequate oversight or the checks and balances of judicial review, lead to abuses of the rights of the American people. I hope this debate will provide us an opportunity to show the American people what we stand for, that we will do all we can to secure our future while protecting their cherished rights and freedoms.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, title II of the Intelligence Committee bill provides retroactive immunity to companies that are alleged to have cooperated with the Bush administration's warrantless wiretapping program. When we are on this bill, we are going to have an opportunity to vote on the amendment to strike title II so the actions of the telephone companies will be subject to legal proceedings. I will support this amendment, which insists on fair accounting for the actions of the telephone companies and proper accountability if they are found to have violated the law.

The Bush administration's warrantless wiretapping program was clearly an illegal circumvention of the provisions included in FISA designed to protect the privacy of law-abiding Americans. I, once again, wish to applaud Chairman ROCKEFELLER's tireless work over the course of the last several years to bring strong congressional oversight to the illegal Bush administration's spying programs. This type of lawlessness and misguided legal reasoning by the Bush administration will not be looked upon kindly in the history books.

The amendment now before us can begin to right the injustices the Bush administration has committed. I am pleased Chairman ROCKEFELLER's Senate Intelligence Committee rejected the administration's efforts to provide immunity for the Government officials who conceived and authorized this program. Democrats have made certain no one in the Bush administration who broke the law will be let off the hook.

I am also sympathetic to the phone companies' compliance with Government requests for assistance in the immediate aftermath of the terrible attacks of September 11. I can understand the argument that in a time of national emergency, they did their utmost to act in the best interests of our country. But this illegal program continued for 5 years after the rubble of 9/11 had been cleared—5 years—5 years during which the executive branch could have come to Congress and asked for the program to be put on solid legal footing—all they would have had to have done is come and tell us there were a few changes that needed to be made—and 5 years that the phone companies could have forced the administration to do a number of different things.

Public reports indicate that at least one phone company refused to follow the administration's request. This fact appears to undermine the argument for immunity of those who complied. When Congress drafted and enacted FISA in 1978, it was responding to widespread and egregious executive branch abuses of the power to spy on American citizens. Liability protections were included for phone companies responding in good faith to Government requests for assistance. But at the same time, Congress set out specific statutory requirements for the form such requests must take.

The intention was that the phone companies would have refused an illegal request not in compliance with FISA requirements. In other words, FISA's drafters intended for the phone companies to serve as an active check, not as a rubberstamp, on an executive branch acting outside the bounds of the law. It is not clear whether the telephone companies fulfilled that responsibility.

In light of that, I believe it is more than appropriate to ask the courts to examine the telephone companies' actions and to evaluate whether they acted properly. It would certainly be within the power of a judge to provide immunity if the telephone companies make a compelling case their actions were appropriate and legal. But providing immunity without ever undertaking such an evaluation would send a

dangerous signal that requirements we enact prospectively may be ignored with impunity.

I appreciate the need for an intelligence community to gather information that makes our country safer in a way that does not violate the privacy of law-abiding Americans. In many cases, the telephone companies played an important and responsible role in that process. It is not my desire to bankrupt the industry. That is an understatement. Should the courts determine their actions were illegal and impose a potential bankrupting judgment, I would be inclined to support congressional intervention, of course. But we must not attempt to answer these questions prematurely. This process must be allowed to work its way through the courts. It would be wrong to deny that process.

I would also like to say again I believe this process deserves the informed input of every Senator. To that end, last Friday, I sent a letter to the Director of National Intelligence, strongly urging him to make the documents previously provided to the Intelligence and Judiciary Committees regarding retroactive immunity available in a secure location to any Senator who wishes to review them during the floor debate. This would also help every Senator reach an informed decision on how to proceed. I am hopeful that decision will be to support this amendment and allow the legal process to move forward, which will give all Americans confidence that their safety and their privacy are both respected and protected.

I wish to again outline briefly how much I appreciate the work of Senator ROCKEFELLER. It is a very difficult piece of work. He has done it with integrity and with good judgment. I also wish to express my appreciation for the work done by the Judiciary Committee. It is not often we have sequential referral on the bills, but we have had in this instance. The Judiciary Committee will have, if they so choose, the first amendments offered in this matter. They have done a good job. The title I work they did was extremely good.

It is my understanding now that Senators ROCKEFELLER and LEAHY have agreed with certain parts of the Judiciary Committee title I; that they will offer amendments either en bloc or individual amendments jointly, and that is a significant improvement. So in short, this legislation has been handled very well by the Intelligence Committee and the Judiciary Committee, and I look forward to hearing the response from Admiral McConnell as to whether these documents that have been shown to the Judiciary Committee and the Intelligence Committee will be available to us, I assume, in room 407 in this building.

Mr. President, I ask unanimous consent that the letter I sent to Admiral McConnell be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE.
Washington, DC, December 16, 2007.

Admiral JOHN M. MCCONNELL,
Director of National Intelligence, Office of the Director of National Intelligence, Washington, DC.

DEAR ADMIRAL MCCONNELL: As you know, the Senate will begin debate on the FISA Amendments Act of 2007 this week. Among the issues the Senate will consider is whether to grant retroactive immunity to telecommunications companies that are alleged to have assisted the government in its warrantless wiretapping program. You recently wrote in the New York Times that immunity is one of the three most critical issues in this bill.

We appreciate that you have provided access to the documents necessary for evaluation of this issue to the Senate Intelligence and Judiciary Committees, as each has in turn considered it. As the debate now moves to the full Senate, I believe it is of critical importance that all Senators who will be called upon to vote on this important question have an opportunity to review these key documents themselves so that they may draw their own conclusions. In my view, each sitting Senator has a constitutional right of access to these documents before voting on this matter.

I strongly urge you to make the documents previously provided to the Intelligence and Judiciary Committee regarding retroactive immunity available in a secure location to any Senator who wishes to review them during the floor debate. I appreciate your cooperation in this matter.

Sincerely,

HARRY REID
Senate Majority Leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have tried to work through this process, and it appears quite clear at this stage, on this bill, we are not going to be able to do that. As everyone knows, we are in the last hours, days, certainly, of this first year of this session of Congress, and we have to take care of the domestic spending, we have the debate coming up on funding for the Afghanistan and Iraq wars, the supplemental, and I think it is very clear we are not going to be able to move into these amendments.

We have had a number of suggestions by a number of different people how we can move through this legislation, and it appears quite clear at this stage that we can't. I have spoken to a number of the Senators, and everyone feels it would be in the best interest of the Senate that we take a look at this when we come back after the first of the year and resume this. I have spoken to, for example, Senator DODD, a few minutes ago, and he and I have talked about ways to move forward—of course, Senator DODD can always speak for himself—but my feeling, after having visited with him, is we would be better off moving into this sometime after we come back after the holiday recess, after the adjournment sine die of this year of the Congress.

So unless something untoward appears, which I doubt extremely seriously, this is what we will do on FISA; that is, we will take it back up when we return in January.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Before he leaves the floor, I wish to thank the Democratic leader. He has a very difficult job under any circumstances. To people who ask: What is it like to be the leader in the Senate, I often describe it as trying to keep frogs in a wheelbarrow. It always gets a pretty good reaction when I mention that. He has a lot of frogs to deal with around here. Trying to keep us all moving in the same direction is not easy.

Mr. REID. If I could respond to my friend, at this stage, in Iowa, they are laughing at just about all the jokes, aren't they?

Mr. DODD. As Mo Udall once said: I walked into a barber shop in New Hampshire and said: I am Mo Udall, and I am running for President. And the barber said: We were just laughing about that.

But I wished to thank the leader. This is an awkward time, obviously, and I wanted to get the bill done. I think Senators ROCKEFELLER and BOND did a good part of this bill, and it is worthy of our support.

The leader knows my longstanding concerns over this retroactive immunity. There is significant debate about this, and I feel strongly about it. I will look forward to coming back in January, and hopefully between now and coming back, maybe there would be some suggestions on how we might ease some of the concerns people have and satisfy them, without necessarily granting retroactive immunity.

I know there are various ideas kicking around, some sort of a compromise idea that may be worked out. Certainly, there will be some time to think about this so we can avoid this when it comes back again. I appreciate the fact we are not going to proceed with it now. That gives us a chance to work on this some more. We have at least some time, I think the end of January or early February before the law will expire, so we have some time to come back and deal with this again. I appreciate the fact we are not going to have to go forward. I would have been put in a position to contest this in every possible way, utilizing all the tools available to us, and I am very grateful to the leader for moving on. I promise I certainly will be willing to listen to various ideas how we can resolve this, so when we come back here, this will be a matter we can deal with more expeditiously, but I am very grateful to him for giving me an opportunity to make my case.

Mr. REID. I appreciate the kind comments of my friend from Connecticut. He is one of our most articulate spokespersons we have in the Senate and always has been. I have enjoyed my work with him.

This is a very difficult issue. The American public is terribly concerned about this issue because it is easy to focus on. What has taken place in this country the last 7 years has really hurt the confidence of the American people in their Government.

We have the worst foreign policy blunder in the history of the country in the invasion of Iraq. We are spending now $12 billion a month there.

We have now a condition where much of the Government has been contracted out. The poster for that, of course, is Blackwater. I heard an account on the radio this morning that the Iraqis can't tell the difference between the American troops and these contractors, and all the contractors do is hurt them—not the troops but these contractors.

We have had this domestic surveillance situation, which is really frightening to people. In Nevada, we don't like wiretaps. We don't like lie detector tests. We are very private people. I think that is basically where America is. They don't like their privacy invaded.

We all want to get the bad guys. We know there are evil people out there trying to hurt us. The patriotism of the Senator from Connecticut and the Senator from Nevada will compare to that of anyone else in the Senate. Because we believe this retroactive immunity is something that needs to be studied very closely, that doesn't mean we are any less patriotic than anyone else.

This is an issue on which the American people are focused. I have gotten, in the last week or so, thousands of inquiries from around the country. This is an issue they understand and they do not like. Hopefully, when we come back after the first of the year, we can figure out a way to move through this. We know we have to do something, but we can't continue to make mistakes in this regard that continually take away the confidence of the American people in what we are doing back here.

Mr. DODD. Mr. President, I see the majority whip as well. I just want to take a couple of minutes and conclude my thoughts on this matter, since we will be moving on.

Americans have rightfully been concerned since before World War II about the dangers of hostile foreign agents likely to commit acts of espionage. Similarly, the violent acts of political terrorists can seriously endanger the rights of Americans. Carefully focused intelligence investigations can help prevent such acts.

But too often intelligence has lost this focus and domestic intelligence activities have invaded individual privacy and violated the rights of lawful assembly and political expression. Unless new and tighter controls are established by legislation, domestic intelligence activities threaten to undermine our democratic society and fundamentally alter its nature.

A tension between order and liberty is inevitable in any society. A Government must protect its citizens from those bent on engaging in violence and criminal behavior, or in espionage and other hostile foreign intelligence activity . . . Intelligence work has, at times, successfully prevented dangerous and abhorrent acts, such as bombings and foreign spying, and aided in the prosecution of those responsible for such acts.

But, intelligence activity in the past decades has, all too often, exceeded the restraints on the exercise of governmental power which are imposed by our country's Constitution, laws, and traditions.

We have seen segments of our Government, in their attitudes and action, adopt tactics unworthy of a democracy, and occasionally reminiscent of the tactics of totalitarian regimes. We have seen a consistent pattern in which programs initiated with limited goals, such as preventing criminal violence or identifying foreign spies, were expanded to what witnesses characterized as 'vacuum cleaners,'' sweeping in information about lawful activities of American citizens.

That these abuses have adversely affected the constitutional rights of particular Americans is beyond question. But we believe the harm extends far beyond the citizens directly affected.

Personal privacy is protected because it is essential to liberty and the pursuit of happiness. Our Constitution checks the power of Government for the purpose of protecting the rights of individuals, in order that all our citizens may live in a free and decent society. Unlike totalitarian states, we do not believe that any government has a monopoly on truth.

When Government infringes those rights instead of nurturing and protecting them, the injury spreads far beyond the particular citizens targeted to untold number of other Americans who may be intimidated.

Abuse thrives on secrecy. Obviously, public disclosure of matters such as the names of intelligence agents or the technological details of collection methods is inappropriate. But in the field of intelligence, secrecy has been extended to inhibit review of the basic programs and practices themselves.

Those within the Executive branch and the Congress who would exercise their responsibilities wisely must be fully informed. The American public, as well, should know enough about intelligence activities to be able to apply its good sense to the underlying issues of policy and morality.

Knowledge is the key to control. Secrecy should no longer be allowed to shield the existence of constitutional, legal and moral problems from the scrutiny of all three branches of government or from the American people themselves.

These words I wish I could claim them as my own. These are words that were written some 31 years ago by Frank Church, in a committee that initiated the idea of FISA. They talked about the problems they had worked on that gave birth to this legislation we are dealing with today—some 30 changes later after some 28 years. But they are words to live by. They would fit almost any time, to strike that balance between security and liberty.

As I quoted earlier today, some 220 years ago, Benjamin Franklin warned the country that those who would sacrifice liberty for security deserve neither. In many ways, today we are being asked to make a choice. It was a false choice 220 years ago. It is still a false choice today. It is a false dichotomy. In fact, we are more secure when we secure our liberties, when we defend them and protect them. That is the nature of our society. It is what has given us great strength through these past more than 20 decades here and I believe will keep us more secure in the years ahead.

It is true, technology is changing, and the means of causing us harm or injury are more sophisticated today; but these eternal transcendent rights we embrace as a nation, which each and every generation has been responsible for guarding, are no less important today than they were years ago.

So the words of Frank Church and the committee members, Republican and Democratic, who signed this document some 31 years ago, are as true today. They are what caused me to stand here today for 8 or 9 hours. They are what caused me to stand here a year ago to speak out strongly against the Military Commissions Act and other such actions by this administration over the past number of years.

I know it is not normal—certainly for this Member—to threaten to filibuster or to engage in extended debate, but I felt so strongly about this provision in this bill, this retroactive immunity, that I was determined to do everything I could to stop this legislation going forward with those provisions included. I am grateful we are going to move on to other legislation.

We will return to this, apparently, in January. My hope is that between now and then we can resolve this matter, and that retroactive immunity will no longer be a part of this. We will not allow it. I don't know if it is possible. I hope it is. If not, I will be back here engaging in the same effort to stop this legislation going forward with those provisions included.

I am grateful to my colleagues, to Senator KENNEDY, Senator FEINGOLD, Senator WYDEN, Senator BILL NELSON, Senator BOXER, who spoke earlier today, to Senator SHERROD BROWN, who spoke, as well, about this legislation, and others who came to the floor to express their concerns principally about this provision.

Again, I thank the majority leader, Senator REID, who certainly gave me the opportunity to continue this effort. He has at his disposal procedures he could engage in, and he did not utilize those. He allowed this Senator to make his case to extend this debate to 30 hours, which is what I was prepared to do, then offer amendments to engage in extended debate if necessary to stop this from going forward. That, apparently, will not be necessary now, to engage in those efforts. So I am grateful to my colleagues for giving me this opportunity to make my case and hopeful that when we pass FISA legislation, it will not include retroactive immunity. That would be the wrong thing to do, a dangerous precedent, and I hope my

colleagues on both sides will come to that conclusion.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SPECIALIST JOHNATHAN ALAN LAHMANN

Mr. BAYH. Mr. President, today with a heavy heart and deep sense of gratitude I honor the life of a brave soldier from Richmond, IN. SPC Johnathan Lahmann, 21 years old, died December 10th in Tikrit, Iraq. Specialist Lahmann died of injuries he sustained in Bayhi, Iraq, when an improvised explosive device detonated near his vehicle. With an optimistic future before him, John risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

John was a 2004 graduate of Richmond High School where he avidly studied auto repair with plans to be a mechanic. According to his teacher, Roy Reisinger, John was so dedicated to studying auto repair that he would go to Mr. Reisinger's house on the weekends to work on cars. Mr. Reisinger described John to a local newspaper as ''a top-notch mechanic'' and ''an all-around good young man.'' In addition to his strong work ethic praised by his teachers, his fellow classmates recall John's pleasant demeanor and his friendship.

After graduation, John worked at Mosey Manufacturing. In September 2005, John joined the Army, where he was trained as a combat engineer. He was assigned to the 59th Engineer Company, 20th Engineer Battalion, 36th Engineer Brigade, Fort Hood, TX. In November 2007, John was deployed to Iraq. He is survived by his parents, Linda and Alan C. Lahmann.

Today, I join John's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of John. Today and always, John will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring John's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of John's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of SPC Johnathan Alan Lahmann in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like John's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Johnathan.

IRAQ FUNDING

Mr. KYL. Mr. President, there has been a great deal of debate in recent weeks about whether to fund the needs of our soldiers overseas. The time to act has come.

We are nearing the end of the first quarter of the fiscal year, and despite steady progress in Iraq, Congress still has not passed a funding bill for our soldiers. Members of this body have been aware of the consequences of delaying funding for a long time.

In a November 8 letter, Deputy Secretary of Defense Gordon England explained that failure to fund military operations will ''result in having to shut down significant portions of the Defense Department by early next year.'' The specific consequences, in Secretary England's words, include ''closure of military facilities, furloughing of civilian workers and deferral of contract activity.'' In case there is any confusion about what this means to the military, Secretary England is quite clear: ''this situation will result in a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities.''

He also acknowledged that this delay in funding doesn't only harm our military but also sets back the training and equipping of Iraqi and Afghan security forces, whose expeditious development is critical to lasting peace in those nations.

This delay in funding shows a lack of support for our troops in harm's way, disregard for the measurable progress they have achieved in recent months, and indifference to the future of Iraq and Afghanistan. That is not the kind of leadership the American people expect of Congress.

It is time to heed the clear warnings from the Department of Defense, come together in support of the progress our soldiers are making, and provide them with the necessary resources so that they can continue their important work on behalf of the American people.

A December 8 article in the Washington Post by LT Pete Hegseth and GEN John Batista, a prominent critic of the Administration's policy in Iraq, encouraged Americans ''to stand together, in and out of uniform,'' and commit to defeating our enemies. That means supporting the progress our soldiers are achieving and providing them the funds necessary to complete their mission and, thus, make Americans safer.

I ask unanimous consent to have the attached article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, 8, 2007]

Congress has been entangled in a war-funding debate that pits war ''supporters'' against antiwar ''defeatists.'' With all sides seemingly entrenched, a stalemate looms. The Pentagon, meanwhile, will soon begin stripping money from its training budget to fund the wars in Iraq and Afghanistan.

Our military men and women deserve better than partisan politics; they deserve honest assessments of our nation's performance in fighting the Long War.

We are veterans of the Iraq war with vastly different experiences. Both of us commanded troops in Iraq. We, too, held seemingly entrenched, and incompatible, views upon our return. One of us spoke out against mismanagement of the war—failed leadership, lack of strategy and misdirection. The other championed the cause of successfully completing our mission.

Our perspectives were different, yet not as stark as the ''outspoken general'' and ''stay-the-course supporter'' labels we received. Such labels are oversimplified and inaccurate, and we are united behind a greater purpose.

It's time to discuss the way forward rather than prosecute the past. Congress must do the same, for our nation and the troops.

Overall, this will require learning from our strategic blunders, acknowledging successes achieved by our courageous military and forging a bold path. We believe America can and must rally around five fundamental tenets:

First, the United States must be successful in the fight against worldwide Islamic extremism.

We have seen this ruthless enemy firsthand, and its global ambitions are undeniable. This struggle, the Long War, will probably take decades to prosecute. Failure is not an option.

Second, whether or not we like it, Iraq is central to that fight. We cannot walk away from our strategic interests in the region. Iraq cannot become a staging ground for Islamic extremism or be dominated by other powers in the region, such as Iran and Syria. A premature or precipitous withdrawal from

Iraq, without the requisite stability and security, is likely to cause the violence there—which has decreased substantially but is still present—to cascade into an even larger humanitarian crisis.

Third, the counterinsurgency campaign led by Gen. David Petraeus is the correct approach in Iraq. It is showing promise of success and, if continued, will provide the Iraqi government the opportunities it desperately needs to stabilize its country. Ultimately, however, these military gains must be cemented with regional and global diplomacy, political reconciliation, and economic recovery—tools yet sufficiently utilized. Today's tactical gains in Iraq—while a necessary precondition for political reconciliation—will crumble without a deliberate and comprehensive strategy.

Fourth, our strategy in fighting the Long War must address Iran. Much has been made this week of the intelligence judgments that Iran has stopped its weapons program. No matter what, Iran must not be permitted to become a nuclear power. All options should be exhausted before we use military force, but force, nonetheless, should never be off the table. Diplomatic efforts—from a position of strength, both regionally and globally—must be used to engage our friends and coerce our enemies to apply pressure on the Iranian regime.

Fifth, our military capabilities need to match our national strategy. Our military is stretched thin and will be hard-pressed to maintain its current cycle of deployments. At this critical juncture, we cannot afford to be weak. Numbers and capacity matter.

After the Sept. 11, 2001, attacks, America was not mobilized for the Long War. This was an opportunity lost, but it is not too late. Many Americans are frustrated by the war effort, the burden of which has been shouldered by less than one percent of our citizenry. Our country is accustomed to winning. We deserve a comprehensive strategy that is focused on victory and guided by decisive leadership. America must succeed in Iraq and Afghanistan, but we also cannot focus too narrowly on those conflicts. We need a regional and global strategy to defeat worldwide Islamic extremism to ensure a safer world today and for future generations.

The day after his famous Pearl Harbor speech, President Franklin D. Roosevelt again addressed the nation. ''I was about to add that ahead there lies sacrifice for all of us,'' he said. ''But it is not correct to use that word. The United States does not consider it a sacrifice to do all one can, to give one's best to our nation, when the nation is fighting for its existence and its future life.'' His words inspired the ''Greatest Generation,'' and they should inspire us again today.

Americans must mobilize for the Long War—bolster our strained military, galvanize industry to supply troops with what they need right now and fund the strategy with long-term solutions. We have no doubt that Americans will rally behind a call to arms.

America's veterans—young and old—are resolved to support and defend the Constitution from all enemies, foreign and domestic. This commitment, and nothing less, should compel us to stand together, in and out of uniform. Would that Congress finds the courage to bury its pride and do the same.

FHA MODERNIZATION ACT

Mr. FEINGOLD. Mr. President, I am pleased to support the FHA Modernization Act of 2007, and I hope the House and Senate can quickly work together to get this legislation to the President. This bill is a good first step to helping address both housing affordability issues and problems in the subprime lending industry. I look forward to monitoring the legislation's implementation to ensure that the FHA reforms truly benefit low-income and middle-income homeowners.

The rising rate of foreclosures and its broader impact on the nation's economy is a serious issue that requires the involvement of all levels of government as well as both private and nonprofit organizations. Subprime lending and rising foreclosure rates are complicated issues to unravel and any response, whether legislative or regulatory, will bring with it a set of consequences, some intended and some unintended. We need to examine a variety of responses to the rising foreclosure rates and their consequences, including providing more housing counseling for borrowers and more effectively regulating lending practices to prevent some of the unscrupulous practices that have occurred. Some of the more egregious lending practices include high rates of predatory lending in minority communities, steering borrowers into subprime mortgage products even if the borrowers qualified for more conventional loans, and not ensuring that borrowers fully understood the terms of subprime loans.

I was disappointed that the Senate FHA Modernization Act did not contain a provision directing some of the revenue realized by the FHA bill into an affordable housing fund as the House FHA reform bill did. I hope that conferees will work hard to find a fiscally responsible way to direct some of the increased revenue from the FHA bill into a national affordable housing trust fund. I also hope that Congress can pass stand-alone legislation creating a national affordable housing trust fund in the coming year.

The creation of more affordable housing through a national affordable housing trust fund will also help to alleviate the affordable housing crisis we are facing throughout the country. Local communities around the country are creating such trust funds, including in my state of Wisconsin. Congress needs to act promptly so that a national affordable housing trust fund can complement the good work going on in states and local communities throughout the country.

Earlier this year, I introduced legislation, the Affordable Housing Expansion and Public Safety Act, which contained provisions designed to assist low-income Americans in affording safe and adequate housing, including authorizing 100,000 new Section 8 vouchers, authorizing new targeted funding for the HOME program, reauthorizing the Public and Assisted Housing Crime and Drug Elimination Program, and calling on Congress to create a national affordable housing trust fund. I hope that Congress can take a step toward the creation of such a fund by including a provision in the FHA reform bill conference report to dedicate a fiscally responsible revenue stream toward such a national affordable housing trust fund.

This Nation faces a severe shortage of affordable housing for our most vulnerable citizens. Shelter is one of our most basic needs, and, unfortunately, too many Wisconsinites and people around the country are struggling to afford a place to live for themselves and their families. As Congress continues to take steps to deal with affordability issues, rising foreclosure rates, and reform of lending practices by banks and mortgage brokers, we need to ensure that any such reforms benefit those Americans most in need.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of December 8, 2007, 25-year-old Nathaniel Salerno was attacked by five to seven men on a Washington, DC, Metro subway train. Salerno, a gay man, had been at several clubs prior to returning home. Shortly after boarding the train, the men approached him and allegedly demanded that Salerno give them his wallet and BlackBerry. When he stood up, the attackers snatched the items and began to punch and kick him, screaming antigay slurs. Salerno received stitches for the lacerations he received to his face during the attack. Washington's Metro police are investigating the assault as a bias-related violent crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ENERGY

Mr. KYL. Mr. President, I rise today to discuss the energy legislation Congress is on the brink of passing in these last days of the first session of the 110th Congress. I voted against this legislation in the Senate because it contains numerous provisions that will distort competitive markets for energy through subsidies, Government mandates, special projects, and irresponsible increases in Federal spending. This bill will not promote the goal of energy security but will likely increase fuel and food prices and reduce consumer choice for everything from cars to light bulbs.

First, I want to talk about ethanol. It is difficult to understand why Congress continues to believe that ethanol is a desirable substitute for gasoline. It is widely reported that even if all of the 300 million acres—500,000 square miles—of currently harvested U.S. cropland produced ethanol, they wouldn't supply all of the gasoline and diesel fuel we now burn for transport, and they would supply only about half of the demand for the year 2025. We are not going to grow our way to energy security. We are also starting to see the devastating effects our current ethanol production is having on our scarce water supply, the environment, and human health.

Despite these facts, one of the bill's most prominent features is a five-fold increase in the ethanol mandate from the currently required 7.5 billon gallons by 2012 to 36 billion gallons by 2022. Meeting this mandate will require even more corn-based ethanol and the production of other so-called advanced biofuels, largely made from cellulosic ethanol. Although cellulosic ethanol production is in its infancy and does not exist commercially today, the bill specifies that 21 billion gallons of the 36 billion gallons mandated be cellulosic ethanol. This is nothing more than a congressional gamble with American taxpayer dollars.

If Congress is serious about moving away from oil to alternative fuels it cannot, as it has done here, subsidize political favorites and engage in statutory prescription. This will actually slow energy innovation and may even retard the gains we have made. An excellent example of this point is the exclusion of woody biomass material from our Nation's overgrown forests from the production of advanced biofuels. Companies throughout the West, including many small businesses, are working in partnership with the Federal Government to help restore our national forests by removing this woody biomass material and using it to produce energy. This oversight in the bill complicates these efforts and could seriously slow the gains my home State of Arizona and other Western States dominated by Federal lands have made to combat catastrophic wildfire.

Now, let's turn to the other major feature of this bill—federally mandated increases in corporate average fuel economy, CAFE, standards. This bill requires each manufacturer's fleet to average 35 miles per gallon by 2020, a roughly 40 percent increase over current standards for cars and trucks. What this proposal seems to overlook is that more fuel efficient cars and trucks already exist on the market for those who want them. And as gas prices rise, my guess is increasing numbers of consumers will buy smaller, more fuel efficient cars without being told to do so by Congress. The point is that this is a consumer choice issue. By federally mandating these increases there will be less choice, increases in car sticker prices, and the very real possibility of more unnecessary highway deaths due to the increases in lighter vehicles, which generally are less safe in collisions on the road. A National Academy of Sciences study concluded that vehicle downsizing costs 1,300 to 2,600 lives per year.

Another major problem with the CAFE provisions in the bill is the failure to clarify the regulatory responsibilities of the National Highway Transportation Safety Board and the Environmental Protection Agency over the regulation of tailpipe emissions and fuel economy requirements. The administration in its Statement of Administration Policy makes this point. Failing to address this issue will likely leave industry to sort through layers of contradictory regulation.

Beyond the biofuels and CAFE provisions, the bill includes a full assortment of new efficiency mandates for appliances and buildings and even takes measures to phase out incandescent lightbulbs. Industry in the private sector has already brought to market alternative lighting technologies to the traditional lightbulb, and as prices drop consumers are switching over to them. Provisions like these are nothing more than Congress's attempt to take credit for something the market is already doing and accomplishing far more quickly and efficiently than the government can, I might add.

In sum, instead of enacting poor energy policy, Congress should focus on what it must do before we leave here this year—fund the Government by enacting fiscally responsible appropriations bills and ensuring our troops have what they need.

PASSAGE OF FARM BILL

Mr. CASEY. Mr. President, with the passage of the farm bill, I want to commend the work of my legislative staff led by Kasey Gillette our senior legislative assistant. Kasey did an excellent job on both substance and strategy always focusing on how the bill would impact farm families and the agricultural economy of Pennsylvania. Kasey had two great teammates: Caryn Long and Alex Davis, who labored for months on very complex matters in the bill. Without the work of Kasey, Caryn, and Alex, I wouldn't have been able to have four amendments adopted during the floor debate and five others adopted during the committee markup.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE HALE

• Ms. COLLINS. Mr. President, this morning WABI–AM radio in my home State of Maine dedicated the George Hale Studio in Bangor. I commend Clear Channel Communications for recognizing the many contributions George Hale has made to our State during his 54-year career in broadcasting, and I am honored to offer a few words in tribute to him.

George Hale is a true broadcasting legend. For more a half century, he has kept the people of Maine informed, he has entertained us, and he has brought us together as a community of friends and neighbors. He has brought the best of Maine into our homes, and he has always been a welcome guest.

Still going strong today, George Hale will forever be associated with the Bangor Auditorium and the great high school basketball tournaments held there, but that is just a start. University of Maine football, baseball, and basketball have all benefited from his great work, and he is beloved by generations of fans, coaches, and players. Whether describing victory or defeat, he always treats the athletes with respect and appreciation for their efforts.

Generations of Mainers have begun their day with George. Many used to begin their day by tuning in at 5:45 a.m. to hear his thoughts and comments on everything ranging from Red Sox to world affairs.

And the tradition continues today. Along with his friend and cohost Ric Tyler, George's show provides news and insight about the issues facing Maine and the Nation. As one who has appeared on his show many times, I can say that George always treats his guests with fairness and respect.

George was blessed with a great voice, and he has used it well as a powerful spokesman for great causes. His support for the March of Dimes, and especially his advocacy for the folic acid campaign, has greatly helped this outstanding organization carry out is vital mission of improving the health of babies by preventing birth defects and infant mortality. The March of Dimes and George Hale truly are a championship team.

WABI–AM radio is known as the Voice of Maine. It is a fitting name because George Hale truly is the Voice of Maine. He is a great friend to me and to all the people of my State. I know we all look forward to many more years of hearing that great voice from the George Hale Studio.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4357. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs'' (RIN0560–AF60) received on December 7, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4358. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Potato Provisions'' (RIN0563–AC05) received on

December 7, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4359. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Russel L. Honore, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4360. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the cost effectiveness of the Defense Commissary Agency; to the Committee on Armed Services.

EC–4361. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Shareholder Proposals Relating to the Election of Directors'' (RIN3235–AJ95) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4362. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Rules 144 and 145'' (RIN3235–AH13) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4363. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003'' (RIN3064–AD00) received on December 7, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4364. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving the sale of one Boeing 777–200ER aircraft to Angola; to the Committee on Banking, Housing, and Urban Affairs.

EC–4365. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Annual Specifications for the 2007 Pacific Sardine Fishing Season'' (RIN0648–AV11) received on December 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4366. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Observer Health and Safety'' (RIN0648–AU46) received on December 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4367. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XD83) received on December 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4368. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the storage of plutonium at the Savannah River Site; to the Committee on Energy and Natural Resources.

EC–4369. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the integration of the hurricane storm damage reduction system; to the Committee on Environment and Public Works.

EC–4370. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Disclosures'' (22 CFR part 127) received on December 6, 2007; to the Committee on Foreign Relations.

EC–4371. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Arms Traffic in Arms Regulations: UN Embargoed Countries'' (22 CFR part 126) received on December 6, 2007; to the Committee on Foreign Relations.

EC–4372. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: Regarding Dual and Third Country Nationals'' (22 CFR part 124) received on December 6, 2007; to the Committee on Foreign Relations.

EC–4373. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense services to the United Kingdom in support of the sale of one C–17 Globemaster III aircraft; to the Committee on Foreign Relations.

EC–4374. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense services to the Kingdom of Saudi Arabia to support the sale of 16 S–92A helicopters; to the Committee on Foreign Relations.

EC–4375. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to loan guarantees to Israel; to the Committee on Foreign Relations.

EC–4376. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense services to Canada related to the acquisition of SNIPER Targeting Pods; to the Committee on Foreign Relations.

EC–4377. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Requirements for Live Vaccine Processing'' (Docket No. 2007N–0284) received on December 7, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4378. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in the White House Office; to the Committee on Homeland Security and Governmental Affairs.

EC–4379. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4380. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4381. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's Management Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4382. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the 6-month period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4383. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the Office's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4384. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4385. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, its consolidated report relative to its operations; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–271. A resolution adopted by the Senate of the Associated Students of the University of Nevada urging Congress to pass the DREAM Act; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Mr. CHAMBLISS, and Mrs. LINCOLN):

S. 2492. A bill to provide for improved oversight of and accountability for military housing privatization initiative projects; to the Committee on Armed Services.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 2493. A bill to prohibit the limitation of certain air traffic in the New York and New Jersey region; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2494. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 407. A resolution relative to the death of Representative Julia Carson, of Indiana; considered and agreed to.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 408. A resolution congratulating the Valdosta State University football team on winning the 2007 Division II National Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 821

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2166

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2191

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2191, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 2255

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2255, a bill to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, and for other purposes.

S. 2257

At the request of Mr. KERRY, his name was added as a cosponsor of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

S. 2277

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2277, a bill to amend the Internal Revenue Code of 1986 to increase the limitation on the issuance of qualified veterans' mortgage bonds for Alaska, Oregon, and Wisconsin and to modify the definition of qualified veteran.

S. 2278

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2278, a bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria.

S. 2279

At the request of Mr. CASEY, his name was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2352

At the request of Mr. JOHNSON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2352, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits.

S. 2428

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2428, a bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2428, supra.

S. 2450

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2450, a bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. CON. RES. 53

At the request of Mr. NELSON of Florida, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

At the request of Mr. ISAKSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 53, supra.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—RELATIVE TO THE DEATH OF REPRESENTATIVE JULIA CARSON, OF INDIANA

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 407

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable JULIA CARSON, late a Representative from the State of Indiana.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 408—CONGRATULATING THE VALDOSTA STATE UNIVERSITY FOOTBALL TEAM ON WINNING THE 2007 DIVISION II NATIONAL CHAMPIONSHIP

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 408

Whereas, on December 15, 2007, the Valdosta State University Blazers football team defeated Northwest Missouri State University by a score of 25-20 in Florence, Alabama, to win the 2007 National Collegiate Athletic Association (NCAA) Division II National Championship;

Whereas this victory gave Valdosta State University its 2nd football national championship title in 4 years;

Whereas Coach David Dean became only the 2nd 1st-year head coach in NCAA history to lead a team to the Division II title;

Whereas the Blazers finished the season with an impressive 13-1 record, including victories over Catawba College, the University of North Alabama, and California University of Pennsylvania in the playoffs to advance to the championship game against Northwest Missouri State University; and

Whereas 7 Valdosta State University players were named to the All-Gulf Conference team, including wide receiver Cedric Jones and safety Sherard Reynolds, who were also named to the All-American team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and honors the Valdosta State University Blazers football team on winning the 2007 National Collegiate Athletic Association Division II National Championship;

(2) recognizes and commends the courage, hard work, and dedication displayed by the Valdosta State University football team and staff throughout the season in order to obtain this great honor; and

(3) commends Valdosta State University, the city of Valdosta, and all of the fans of the Blazers football team throughout the State of Georgia for their endless support of this special team throughout the 2007 championship season.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3857. Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. LEAHY, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by her to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3858. Mrs. FEINSTEIN (for herself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by her to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3859. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3860. Mr. COBURN (for himself, Mr. DEMINT, Mr. MCCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3861. Mr. COBURN (for himself, Mr. BURR, Mr. MCCAIN, Mr. DEMINT, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3862. Mr. LEAHY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3863. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3864. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3865. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3866. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table .

SA 3867. Mr. DODD (for Mr. DORGAN) proposed an amendment to the bill S. 2096, to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

SA 3868. Mr. DODD (for Mr. LEAHY (for himself, Mr. CORNYN, and Mr. KYL)) proposed an amendment to the bill H.R. 660, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

SA 3869. Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3690, to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

TEXT OF AMENDMENTS

SA 3857. Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. LEAHY, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102, and insert the following:

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.

''(b) Only an express statutory authorization for electronic surveillance or the interception of domestic, wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).''.

(b) OFFENSE.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended—

(1) in subsection (a), by striking ''authorized by statute'' each place it appears in such section and inserting ''authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112.''; and

(2) by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2) of title 18, United States Code, is amended—

(A) in paragraph (a), by adding at the end the following:

''(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.''; and

(B) in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.''.

SA 3858. Mrs. FEINSTEIN (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, strike line 5 and all that follows through page 47, line 16, and insert the following:

(6) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) DETERMINATION.—

(A) IN GENERAL.—The dismissal of a covered civil action under paragraph (1) shall proceed only if, after review, the Foreign Intelligence Surveillance Court determines that—

(i) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii)(B) of title 18, United States Code;

(ii) the assistance alleged to have been provided was undertaken in good faith by the electronic communication service provider pursuant to a demonstrable reason to believe that compliance with the written request or directive under paragraph (1)(A)(ii) was permitted by law; or

(iii) the electronic communication service provider did not provide the alleged assistance.

(B) PROCEDURES.—In reviewing certifications and making determinations under subparagraph (A), the Foreign Intelligence Surveillance Court shall—

(i) review and make any such determination en banc; and

(ii) permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court—

(I) pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

(II) as necessary to serve justice.

(C) CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

(i) immediately transfer the matter to the Foreign Intelligence Surveillance Court for a determination regarding the questions described in subparagraph (A); and

(ii) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

SA 3859. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 4, strike ''2013.'' and insert the following: ''2011. Notwithstanding any other provision of this Act, the transitional procedures under paragraphs (2)(B) and (3)(B) of section 302(c) shall apply to any order, authorization, or directive, as the case may be, issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2011.''.

SA 3860. Mr. COBURN (for himself, Mr. DEMINT, Mr. MCCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) This section may be cited as the ''Safe Roads and Bridges Act of 2007''.

(b) Notwithstanding any other provision of this Act, the Secretary of Transportation may reprogram any funds appropriated or otherwise made available under this Act for the Department of Transportation that are intended to be used for any congressionally directed spending item, as defined in section 521 of Honest Leadership and Open Government Act of 2007 (Public Law 110-81), for the purpose of improving roads or bridges that have been classified as ''structurally deficient'' or ''functionally obsolete''.

(c) Not later than September 30, 2008, the Secretary of Transportation shall submit to Congress a report that contains a summary of the any reprogramming of congressionally directed spending items under subsection (b) and a description of how such reprogrammed funds were utilized to improve structurally deficient or functionally obsolete roads and bridges. Such report shall be made publicly available on the Internet website of the Department of Transportation.

SA 3861. Mr. COBURN (for himself, Mr. BURR, Mr. MCCAIN, Mr. DEMINT, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) This section may be cited as the ''Women and Children's Health Care First Act of 2007''.

(b) Notwithstanding any other provision of this Act, the Secretary of Health and Human Services may reprogram any funds appropriated or otherwise made available under this Act for the Department of Health and Human Services that are intended to be used for any congressionally directed spending item, as defined in section 521 of Honest Leadership and Open Government Act of 2007 (Public Law 110-81), for the Maternal and Child Health Block Grant.

(c) Not later than September 30, 2008, the Secretary of Health and Human Services shall submit to Congress a report that contains a summary of the any reprogramming of congressionally directed spending items under subsection (b) and a description of how such reprogrammed funds were utilized to improve the health of all mothers and children. Such report shall be made publicly available on the Internet website of the Department of Health and Human Services.

SA 3862. Mr. LEAHY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, after line 21, add the following:

SEC. 111. REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) TERRORIST SURVEILLANCE PROGRAM AND PROGRAM.—The terms ''Terrorist Surveillance Program'' and ''Program'' mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007.

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Office of the Director of National Intelligence, the Department of Justice, the National Security Agency, and any other element of the intelligence community that participated in the Terrorist Surveillance Program shall work in conjunction to complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures and substance of, and access to, the legal reviews of the Program;

(C) communications with, and participation of, individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by any such Inspector General that would enable that Inspector General to report a complete description of the Program, with respect to such element.

(2) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(A) work in conjunction, to the extent possible, with any other Inspector General required to conduct such a review; and

(B) utilize to the extent practicable, and not unnecessarily duplicate or delay, such reviews or audits that have been completed or are being undertaken by any such Inspector General or by any other office of the Executive Branch related to the Program.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Office of the Director of National Intelligence, the Department of Justice, and the National Security Agency, in conjunction with any other Inspector General required to conduct a review under subsection (b)(1), shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General required to conduct such a review shall submit to the appropriate committees of Congress, to the extent practicable, a comprehensive report on such reviews that includes any recommendations of any such Inspectors General within the oversight authority and responsibility of any such Inspector General with respect to the reviews.

(3) FORM.—A report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the Program or with whom there was communication about the Program.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional legal or other personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

SA 3863. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 20, strike ''and'' and all that follows through page 19, line 16, and insert the following:

''(3) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States; and

''(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(c) UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.—

''(1) ACQUISITION INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition authorized by subsection (a) that occurs inside the United States may not target a United States person except in accordance with the provisions of title I.

''(2) ACQUISITION OUTSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition by an electronic, mechanical, or other surveillance device outside the United States may not intentionally target a United States person reasonably believed to be outside the United States to acquire the contents of a wire or radio communication sent by or intended to be received by that United States person under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes if the technique were used inside the United States unless—

''(A) the Attorney General or the Attorney General's designee submits an application to the Foreign Intelligence Surveillance Court that includes a statement of the facts and circumstances relied upon by the applicant to justify the Attorney General's belief that the target of the acquisition is a foreign power or an agent of a foreign power; and

''(B) the Foreign Intelligence Surveillance Court—

''(i) finds on the basis of the facts submitted by the applicant there is probable cause to believe that the target of the electronic surveillance is a foreign power or an agent of a foreign power; and

''(ii) issues an ex parte order as requested or as modified approving the targeting of that United States person.

''(3) PROCEDURES.—

''(A) SUBMITTAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Not later than 30 days after the date of the enactment of this title, the Attorney General shall submit to the Foreign Intelligence Surveillance Court the procedures to be utilized in determining whether a target reasonably believed to be outside the United States is a United States person.

''(B) APPROVAL BY FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The procedures submitted under subparagraph (A) shall be utilized as described in that subparagraph only upon the approval of the Foreign Intelligence Surveillance Court.

''(C) UTILIZATION IN TARGETING.—Any targeting of persons authorized by subsection (a) shall utilize the procedures submitted under subparagraph (A) as approved by the Foreign Intelligence Surveillance Court under subparagraph (B).

''(d) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g); and

''(2) the targeting and minimization procedures required pursuant to subsections (e) and (f).

''(e) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(f) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h), minimization procedures for acquisitions authorized under subsection (a).

''(2) PERSONS IN THE UNITED STATES.—The minimization procedures required by this subsection shall require the destruction, upon recognition, of any communication as to which the sender and all intended recipients are known to be located in the United States, a person has a reasonable expectation of privacy, anda warrant would be required for law enforcement purposes, unless the Attorney General determines that the communication indicates a threat of death or serious bodily harm to any person.

''(3) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (i).

''(g) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States, and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

''(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States, or result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States;

''(iii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iv) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h);

''(II) require the destruction, upon recognition, of any communication as to which the sender and all intended recipients are known to be located in the United States, a person has a reasonable expectation of privacy, and a warrant would be required for law enforcement purposes, unless the Attorney General determines that the communication indicates a threat of death or serious bodily harm to any person; and

''(III) have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

''(v) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vi) the acquisition does not constitute electronic surveillance, as limited by section 701; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (i).

''(h) DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) JUDICIAL REVIEW.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (d) or targeting and minimization procedures adopted pursuant to subsections (e) and (f).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (g) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (e) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (f) to assess whether such procedures—

''(A) meet the definition of minimization procedures under section 101(h); and

''(B) require the destruction, upon recognition, of any communication as to which the sender and all intended recipients are known to be located in the United States, a person has a reasonable expectation of privacy, and a warrant would be required for law enforcement purposes, unless the Attorney General determines that the communication indicates a threat of death or serious bodily harm to any person.

SA 3864. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In Division G, on page 71, line 10, strike ''$666,087,000'' and insert ''$751,087,000''.

In Division G, on page 71, line 14, strike ''$103,921,000'' and insert ''$188,921,000''.

In Division G, on page 88, between lines 13 and 14, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $85,000,000.

SA 3865. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In Division G, on page 71, line 10, strike ''$666,087,000'' and insert ''$751,087,000''.

In Division G, on page 71, line 14, strike ''$103,921,000'' and insert ''$188,921,000''.

In Division G, on page 88, between lines 13 and 14, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $85,000,000.

SA 3866. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, after line 21, add the following:

SEC. 111. STANDING AND CAUSE OF ACTION FOR PERSONS WHO REFRAIN FROM COMMUNICATIONS BY REASON OF FEAR OF ELECTRONIC SURVEILLANCE.

(a) STANDING AND CAUSE OF ACTION.—A United States citizen shall have standing to bring a cause of action for damages (as specified in subsection (d)) or declaratory or injunctive relief against the United States if that individual has refrained or is refraining

from communications because of a reasonable fear that such communications would be the subject of electronic surveillance conducted without an order issued in accordance with title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or a joint authorization by the Attorney General and the Director of National Intelligence issued in accordance with title VII of the Foreign Intelligence Surveillance Act of 1978, as added by this Act, under a claim of Presidential authority under either the Constitution of the United States or the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C. 1541 note).

(b) RULES APPLICABLE TO ACTIONS.—In any civil action filed under subsection (a), the following shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened under section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Attorney General, the Clerk of the House of Representatives, and the Secretary of the Senate.

(3) A reasonable fear that communications will be the subject of electronic surveillance may be established by evidence that the person bringing the action—

(A) has had and intends to continue to have regular communications from the United States to one or more persons in Afghanistan, Iraq, Pakistan, or any country designated as a state sponsor of terrorism in the course of that person's paid employment doing journalistic, academic, or other research pertaining to terrorism or terrorist groups; or

(B) has engaged and intends to continue to engage in one or more commercial transactions with a bank or other financial institution in a country described in subparagraph (A).

(4) The procedures and standards of the Classified Information Procedures Act (18 U.S.C. App.) shall apply to the action.

(5) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, after the entry of the final decision.

(6) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(c) MOOTNESS.—In any civil action filed under subsection (a) for declaratory or injunctive relief, a defendant's claim that the surveillance activity has been terminated may not be grounds for dismissing the case, unless the Attorney General files a declaration under section 1746 of title 28, United States Code, affirming that—

(1) the surveillance described in subsection (a) has ceased; and

(2) the executive branch of the Federal Government does not have legal authority to renew the surveillance described in subsection (a).

(d) LIMITATION OF DAMAGES.—In any civil action filed under subsection (a), a prevailing plaintiff shall recover—

(1) damages for injuries arising from a reasonable fear caused by the electronic surveillance described in subsection (a) of not less than $50 and not more than $1000; and

(2) reasonable attorney's fees and other investigation and litigation costs reasonably incurred relating to that civil action.

(e) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

(f) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) affect a cause of action filed before the date of enactment of this Act;

(2) limit any cause of action available to a person under any other provision of law, including the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); or

(3) limit the relief that may be awarded under any other provision of law, including the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(g) DEFINITION.—In this section, the term ''electronic surveillance'' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SA 3867. Mr. DODD (for Mr. DORGAN) proposed an amendment to the bill S. 2096, to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry; as follows:

At the end of the bill, add the following:

SEC. 3. REPORT ON ACCURACY.

Not later than 9 months after the enactment of this Act, the Federal Trade Commission shall report to the Congress on efforts taken by the Commission, after the date of enactment of this Act, to improve the accuracy of the ''do-not-call'' Registry.

SA 3868. Mr. DODD (for Mr. LEAHY (for himself, Mr. CORNYN, and Mr. KYL)) proposed an amendment to the bill H.R. 660, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and the United States Tax Court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding. The United States Marshals Service retains final authority regarding security requirements for the Tax Court.''.

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

SEC. 103. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary, assistant United States attorneys, and other attorneys employed by the Federal Government; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 104. FINANCIAL DISCLOSURE REPORTS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2009'' each place it appears and inserting ''2011''.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 119. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered person, or a member of the immediate family of that covered person, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered person' means—

''(A) an individual designated in section 1114;

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be, or was, serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(C) an informant or witness in a Federal criminal investigation or prosecution; or

''(D) a State or local officer or employee whose restricted personal information is made publicly available because of the participation in, or assistance provided to, a Federal criminal investigation by that officer or employee;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OR TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by amending subparagraph (A) to reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(B) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(C) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(2) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(3) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''15 years''; and

(2) by striking ''six years'' and inserting ''8 years''.

SEC. 208. ASSAULT PENALTIES.

(a) IN GENERAL.—Section 115(b) of title 18, United States Code, is amended by striking ''(1)'' and all that follows through the end of paragraph (1) and inserting the following: ''(1) The punishment for an assault in violation of this section is—

''(A) a fine under this title; and

''(B)(i) if the assault consists of a simple assault, a term of imprisonment for not more than 1 year;

''(ii) if the assault involved physical contact with the victim of that assault or the intent to commit another felony, a term of imprisonment for not more than 10 years;

''(iii) if the assault resulted in bodily injury, a term of imprisonment for not more than 20 years; or

''(iv) if the assault resulted in serious bodily injury (as that term is defined in section 1365 of this title, and including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) or a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.''.

(b) CONFORMING AMENDMENT.—Section 111(a) of title 18, United States Code, is amended by striking ''in all other cases'' and inserting ''where such acts involve physical contact with the victim of that assault or the intent to commit another felony''.

SEC. 209. DIRECTION TO THE SENTENCING COMMISSION.

The United States Sentencing Commission is directed to review the Sentencing Guidelines as they apply to threats punishable under section 115 of title 18, United States Code, that occur over the Internet, and determine whether and by how much that circumstance should aggravate the punishment pursuant to section 994 of title 28, United States Code. In conducting the study, the Commission shall take into consideration the number of such threats made, the intended number of recipients of such threats, and whether the initial senders of such threats were acting in an individual capacity or as part of a larger group.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by adding at the end the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(1) by striking ''80'' and inserting ''70'';

(2) by striking ''and 10'' and inserting ''10''; and

(3) by inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b)(1), by inserting ''State or local court,'' after ''government,''.

SEC. 303. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) BANKRUPTCY JUDGES.—

(1) IN GENERAL.—The Director of the Administrative Office of the United States Courts, upon authorization by the Judicial Conference of the United States and subject to the availability of appropriations, shall pay on behalf of bankruptcy judges appointed under section 152 of title 28, United States Code, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments.

(2) IMPLEMENTATION.—Any payment authorized by the Judicial Conference of the United States under paragraph (1) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of that authorization.

(c) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 152 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(d) EFFECTIVE DATE.—Subsection (c) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a district judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, having performed in the preceding calendar year an amount of work equal to or greater than the amount of work an average judge in active service on that court would perform in 6 months, and having elected to exercise such powers, shall

have the powers of a judge of that court to participate in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATE JUDGES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. GUARANTEEING COMPLIANCE WITH PRISONER PAYMENT COMMITMENTS.

Section 3624(e) of title 18, United States Code, is amended by striking the last sentence and inserting the following: ''Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner, and of the consequences of failure to pay such fines under sections 3611 through 3614 of this title.''.

SEC. 506. STUDY AND REPORT.

The Attorney General shall study whether the generally open public access to State and local records imperils the safety of the Federal judiciary. Not later than 18 months after the enactment of this Act, the Attorney General shall report to Congress the results of that study together with any recommendations the Attorney General deems necessary.

SEC. 507. REAUTHORIZATION OF FUGITIVE APPREHENSION TASK FORCES.

Section 6(b) of the Presidential Threat Protection Act of 2000 (28 U.S.C. 566 note; Public Law 106–544) is amended—

(1) by striking ''and'' after ''fiscal year 2002,''; and

(2) by inserting '', and $10,000,000 for each of fiscal years 2008 through 2012'' before the period.

SEC. 508. INCREASED PROTECTION OF FEDERAL JUDGES.

(a) MINIMUM DOCUMENT REQUIREMENTS.—

(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005(49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver's license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual's address of principle residence.

(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

(B) In the case of a judge of a Federal court, the address of the courthouse.

(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual's driver's license or other identification card issued by that State to the individual.

SEC. 509. FEDERAL JUDGES FOR COURTS OF APPEALS.

(a) IN GENERAL.—Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking ''12'' and inserting ''11''; and

(2) in the item relating to the Ninth Circuit, by striking ''28'' and inserting ''29''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(2) shall take effect on January 21, 2009.

SEC. 510. NATIONAL INSTITUTE OF JUSTICE STUDY AND REPORT.

(a) STUDY REQUIRED.—The Director of the National Institute of Justice (referred to in this section as the ''Director'') shall conduct a study to determine and compile the collateral consequences of convictions for criminal offenses in the United States, each of the 50 States, each territory of the United States, and the District of Columbia.

(b) ACTIVITIES UNDER STUDY.—In conducting the study under subsection (a), the Director shall identify any provision in the Constitution, statutes, or administrative rules of each jurisdiction described in that subsection that imposes collateral sanctions or authorizes the imposition of disqualifications, and any provision that may afford relief from such collateral sanctions and disqualifications.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to Congress a report on the activities carried out under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a compilation of citations, text, and short descriptions of any provision identified under subsection (b).

(3) DISTRIBUTION.—The report submitted under paragraph (1) shall be distributed to the legislature and chief executive of each of the 50 States, each territory of the United States, and the District of Columbia.

(d) DEFINITIONS.—In this section:

(1) COLLATERAL CONSEQUENCE.—The term ''collateral consequence'' means a collateral sanction or a disqualification.

(2) COLLATERAL SANCTION.—The term ''collateral sanction''—

(A) means a penalty, disability, or disadvantage, however denominated, that is imposed by law as a result of an individual's conviction for a felony, misdemeanor, or other offense, but not as part of the judgment of the court; and

(B) does not include a term of imprisonment, probation, parole, supervised release, fine, assessment, forfeiture, restitution, or the costs of prosecution.

(3) DISQUALIFICATION.—The term ''disqualification'' means a penalty, disability, or disadvantage, however denominated, that an administrative agency, official, or a court in a civil proceeding is authorized, but not required, to impose on an individual convicted of a felony, misdemeanor, or other offense on grounds relating to the conviction.

SEC. 511. TECHNICAL AMENDMENT.

Section 2255 of title 28, United States Code, is amended by designating the 8 undesignated paragraphs as subsections (a) through (h), respectively.

SA 3869. Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 3690, to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purpose: as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007''.

SEC. 2. TRANSFER OF PERSONNEL.

(a) TRANSFERS.—

(1) LIBRARY OF CONGRESS POLICE EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under subsection (b).

(2) LIBRARY OF CONGRESS POLICE CIVILIAN EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

(b) TREATMENT OF LIBRARY OF CONGRESS POLICE EMPLOYEES.—

(1) DETERMINATION OF STATUS WITHIN CAPITOL POLICE.—

(A) ELIGIBILITY TO SERVE AS MEMBERS OF THE CAPITOL POLICE.—A Library of Congress Police employee shall become a member of the Capitol Police on the employee's transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

(i) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account paragraph (3)(A)), on the date such employee becomes 60 years of age.

(ii) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

(iii) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

(B) SERVICE AS CIVILIAN EMPLOYEE OF CAPITOL POLICE.—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee's transfer date.

(C) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

(D) DEADLINE FOR DETERMINATIONS.—The Chief of the Capitol Police shall complete the determinations required under this paragraph for all Library of Congress Police employees not later than September 30, 2009.

(2) EXEMPTION FROM MANDATORY SEPARATION.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

(A) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

(B) the date on which the individual—

(i) is 57 years of age or older; and

(ii) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account paragraph (3)(A)).

(3) TREATMENT OF PRIOR CREDITABLE SERVICE FOR RETIREMENT PURPOSES.—

(A) PRIOR SERVICE FOR PURPOSES OF ELIGIBILITY FOR IMMEDIATE RETIREMENT AS MEMBER OF CAPITOL POLICE.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol

Police included in calculating the employee's service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

(B) PRIOR SERVICE FOR PURPOSES OF COMPUTATION OF ANNUITY.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this subsection that was accrued prior to becoming a member of the Capitol Police—

(i) shall be treated and computed as employee service under section 8339 or section 8415 of such title; but

(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of applying any formula under section 8339(b), 8339(q), 8415(c), or 8415(d) of such title under which a percentage of the individual's average pay is multiplied by the years (or other period) of such service.

(c) DUTIES OF EMPLOYEES TRANSFERRED TO CIVILIAN POSITIONS.—

(1) DUTIES.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under subsection (a)(2) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under subsection (b)(1)(B), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under subsection (a)(2) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the United States Capitol Police under this section.

(2) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this subsection shall not be appealable or reviewable in any manner.

(d) PROTECTING STATUS OF TRANSFERRED EMPLOYEES.—

(1) NONREDUCTION IN PAY, RANK, OR GRADE.—The transfer of any individual under this section shall not cause that individual to be separated or reduced in basic pay, rank or grade.

(2) LEAVE AND COMPENSATORY TIME.—Any annual leave, sick leave, or other leave, or compensatory time, to the credit of an individual transferred under this section shall be transferred to the credit of that individual as a member or an employee of the Capitol Police (as the case may be). The treatment of leave or compensatory time transferred under this section shall be governed by regulations of the Capitol Police Board.

(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Chief of the Capitol Police may not impose a period of probation with respect to the transfer of any individual who is transferred under this section.

(e) RULES OF CONSTRUCTION RELATING TO EMPLOYEE REPRESENTATION.—

(1) EMPLOYEE REPRESENTATION.—Nothing in this Act shall be construed to authorize any labor organization that represented an individual who was a Library of Congress police employee or a Library of Congress police civilian employee before the individual's transfer date to represent that individual as a member of the Capitol Police or an employee of the Capitol Police after the individual's transfer date.

(2) AGREEMENTS NOT APPLICABLE.—Nothing in this Act shall be construed to authorize any collective bargaining agreement (or any related court order, stipulated agreement, or agreement to the terms or conditions of employment) applicable to Library of Congress police employees or to Library of Congress police civilian employees to apply to members of the Capitol Police or to civilian employees of the Capitol Police.

(f) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL POLICE.—Nothing in this Act shall be construed to affect the authority of the Chief of the Capitol Police to—

(1) terminate the employment of a member of the Capitol Police or a civilian employee of the Capitol Police; or

(2) transfer any individual serving as a member of the Capitol Police or a civilian employee of the Capitol Police to another position with the Capitol Police.

(g) TRANSFER DATE DEFINED.—In this Act, the term ''transfer date'' means, with respect to an employee—

(1) in the case of a Library of Congress Police employee who becomes a member of the Capitol Police, the first day of the first pay period applicable to members of the United States Capitol Police which begins after the date on which the Chief of the Capitol Police issues the written certification for the employee under subsection (b)(1);

(2) in the case of a Library of Congress Police employee who becomes a civilian employee of the Capitol Police, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2009; or

(3) in the case of a Library of Congress Police civilian employee, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2008.

(h) CANCELLATION IN PORTION OF UNOBLIGATED BALANCE OF FEDLINK REVOLVING FUND.—Amounts available for obligation by the Librarian of Congress as of the date of the enactment of this Act from the unobligated balance in the revolving fund established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182c) for the Federal Library and Information Network program of the Library of Congress and the Federal Research program of the Library of Congress are reduced by a total of $560,000, and the amount so reduced is hereby cancelled.

SEC. 3. TRANSITION PROVISIONS.

(a) TRANSFER AND ALLOCATIONS OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—Effective on the transfer date of any Library of Congress Police employee and Library of Congress Police civilian employee who is transferred under this Act—

(A) the assets, liabilities, contracts, property, and records associated with the employee shall be transferred to the Capitol Police; and

(B) the unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the employee shall be transferred to and made available under the appropriations accounts for the Capitol Police for ''Salaries'' and ''General Expenses'', as applicable.

(2) JOINT REVIEW.—During the transition period, the Chief of the Capitol Police and the Librarian of Congress shall conduct a joint review of the assets, liabilities, contracts, property records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the transfer under this Act.

(b) TREATMENT OF ALLEGED VIOLATIONS OF CERTAIN EMPLOYMENT LAWS WITH RESPECT TO TRANSFERRED INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), in the case of an alleged violation of any covered law (as defined in paragraph (4)) which is alleged to have occurred prior to the transfer date with respect to an individual who is transferred under this Act, and for which the individual has not exhausted all of the remedies available for the consideration of the alleged violation which are provided for employees of the Library of Congress under the covered law prior to the transfer date, the following shall apply:

(A) The individual may not initiate any procedure which is available for the consideration of the alleged violation of the covered law which is provided for employees of the Library of Congress under the covered law.

(B) To the extent that the individual has initiated any such procedure prior to the transfer date, the procedure shall terminate and have no legal effect.

(C) Subject to paragraph (2), the individual may initiate and participate in any procedure which is available for the resolution of grievances of officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to provide for consideration of the alleged violation. The previous sentence does not apply in the case of an alleged violation for which the individual exhausted all of the available remedies which are provided for employees of the Library of Congress under the covered law prior to the transfer date.

(2) SPECIAL RULES FOR APPLYING CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—In applying paragraph (1)(C) with respect to an individual to whom this subsection applies, for purposes of the consideration of the alleged violation under the Congressional Accountability Act of 1995—

(A) the date of the alleged violation shall be the individual's transfer date;

(B) notwithstanding the third sentence of section 402(a) of such Act (2 U.S.C. 1402(a)), the individual's request for counseling under such section shall be made not later than 60 days after the date of the alleged violation; and

(C) the employing office of the individual at the time of the alleged violation shall be the Capitol Police Board.

(3) EXCEPTION FOR ALLEGED VIOLATIONS SUBJECT TO HEARING PRIOR TO TRANSFER.—Paragraph (1) does not apply with respect to an alleged violation for which a hearing has commenced in accordance with the covered law on or before the transfer date.

(4) COVERED LAW DEFINED.—In this subsection, a ''covered law'' is any law for which the remedy for an alleged violation is provided for officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) AVAILABILITY OF DETAILEES DURING TRANSITION PERIOD.—During the transition period, the Chief of the Capitol Police may detail additional members of the Capitol Police to the Library of Congress, without reimbursement.

(d) EFFECT ON EXISTING MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect during the transition period, subject to—

(1) the provisions of this Act; and

(2) such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding, consistent with the provisions of this Act.

(e) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE LIBRARIAN OF CONGRESS.—Nothing in this Act shall be construed to affect the authority of the Librarian of Congress to—

(1) terminate the employment of a Library of Congress Police employee or Library of Congress Police civilian employee; or

(2) transfer any individual serving in a Library of Congress Police employee position or Library of Congress Police civilian employee position to another position at the Library of Congress.

SEC. 4. POLICE JURISDICTION, UNLAWFUL ACTIVITIES, AND PENALTIES.

(a) JURISDICTION.—

(1) EXTENSION OF CAPITOL POLICE JURISDICTION.—Section 9 of the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946 (2 U.S.C. 1961) is amended by adding at the end the following:

''(d) For purposes of this section, 'United States Capitol Buildings and Grounds' shall include the Library of Congress buildings and grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j), except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds are located.''.

(2) REPEAL OF LIBRARY OF CONGRESS POLICE JURISDICTION.—The first section and sections 7 and 9 of the Act of August 4, 1950 (2 U.S.C. 167, 167f, 167h) are repealed on October 1, 2009.

(b) UNLAWFUL ACTIVITIES AND PENALTIES.—

(1) EXTENSION OF UNITED STATES CAPITOL BUILDINGS AND GROUNDS PROVISIONS TO THE LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

(A) CAPITOL BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting ''all buildings on the real property described under section 5102(d)'' after ''(including the Administrative Building of the United States Botanic Garden)''.

(B) CAPITOL GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

''(d) LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j).

''(2) AUTHORITY OF LIBRARIAN OF CONGRESS.—Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715).''.

(C) CONFORMING AMENDMENT RELATING TO DISORDERLY CONDUCT.—Section 5104(e)(2) of title 40, United States Code, is amended by striking subparagraph (C) and inserting the following:

''(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

''(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

''(ii) the Library of Congress;''.

(2) REPEAL OF OFFENSES AND PENALTIES SPECIFIC TO THE LIBRARY OF CONGRESS.—Sections 2, 3, 4, 5, 6, and 8 of the Act of August 4, 1950 (2 U.S.C. 167a, 167b, 167c, 167d, 167e, and 167g) are repealed.

(3) SUSPENSION OF PROHIBITIONS AGAINST USE OF LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—Section 10 of the Act of August 4, 1950 (2 U.S.C. 167i) is amended by striking ''2 to 6, inclusive, of this Act'' and inserting ''5103 and 5104 of title 40, United States Code''.

(4) CONFORMING AMENDMENT TO DESCRIPTION OF LIBRARY OF CONGRESS GROUNDS.—Section 11 of the Act of August 4, 1950 (2 U.S.C. 167j) is amended—

(A) in subsection (a), by striking ''For the purposes of this Act the'' and inserting ''The'';

(B) in subsection (b), by striking ''For the purposes of this Act, the'' and inserting ''The'';

(C) in subsection (c), by striking ''For the purposes of this Act, the'' and inserting ''The''; and

(D) in subsection (d), by striking ''For the purposes of this Act, the'' and inserting ''The''.

(c) CONFORMING AMENDMENT RELATING TO JURISDICTION OF INSPECTOR GENERAL OF LIBRARY OF CONGRESS.—Section 1307(b)(1) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(b)), is amended by striking the semicolon at the end and inserting the following: '', except that nothing in this paragraph may be construed to authorize the Inspector General to audit or investigate any operations or activities of the United States Capitol Police;''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2009.

SEC. 5. COLLECTIONS, PHYSICAL SECURITY, CONTROL, AND PRESERVATION OF ORDER AND DECORUM WITHIN THE LIBRARY.

(a) ESTABLISHMENT OF REGULATIONS.—The Librarian of Congress shall establish standards and regulations for the physical security, control, and preservation of the Library of Congress collections and property, and for the maintenance of suitable order and decorum within Library of Congress.

(b) TREATMENT OF SECURITY SYSTEMS.—

(1) RESPONSIBILITY FOR SECURITY SYSTEMS.—In accordance with the authority of the Capitol Police and the Librarian of Congress established under this Act, the amendments made by this Act, and the provisions of law referred to in paragraph (3), the Chief of the Capitol Police and the Librarian of Congress shall be responsible for the operation of security systems at the Library of Congress buildings and grounds described under section 11 of the Act of August 4, 1950, in consultation and coordination with each other, subject to the following:

(A) The Librarian of Congress shall be responsible for the design of security systems for the control and preservation of Library collections and property, subject to the review and approval of the Chief of the Capitol Police.

(B) The Librarian of Congress shall be responsible for the operation of security systems at any building or facility of the Library of Congress which is located outside of the District of Columbia, subject to the review and approval of the Chief of the Capitol Police.

(2) INITIAL PROPOSAL FOR OPERATION OF SYSTEMS.—Not later than October 1, 2008, the Chief of the Capitol Police, in coordination with the Librarian of Congress, shall prepare and submit to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate an initial proposal for carrying out this subsection.

(3) PROVISIONS OF LAW.—The provisions of law referred to in this paragraph are as follows:

(A) Section 1 of the Act of June 29, 1922 (2 U.S.C. 141).

(B) The undesignated provision under the heading ''General Provision, This Chapter'' in chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (2 U.S.C. 141a).

(C) Section 308 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 1964).

(D) Section 308 of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 1965).

SEC. 6. PAYMENT OF CAPITOL POLICE SERVICES PROVIDED IN CONNECTION WITH RELATING TO LIBRARY OF CONGRESS SPECIAL EVENTS.

(a) PAYMENTS OF AMOUNTS DEPOSITED IN REVOLVING FUND.—Section 102(e) of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182b(e)) is amended to read as follows:

''(e) USE OF AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

''(2) SPECIAL RULE FOR PAYMENTS FOR CERTAIN CAPITOL POLICE SERVICES.—In the case of any amount in the revolving fund consisting of a payment received for services of the United States Capitol Police in connection with a special event or program described in subsection (a)(4), the Librarian shall transfer such amount upon receipt to the Capitol Police for deposit into the applicable appropriations accounts of the Capitol Police.''.

(b) USE OF OTHER LIBRARY FUNDS TO MAKE PAYMENTS.—In addition to amounts transferred pursuant to section 102(e)(2) of the Library of Congress Fiscal Operations Improvement Act of 2000 (as added by subsection (a)), the Librarian of Congress may transfer amounts made available for salaries and expenses of the Library of Congress during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for services provided in connection with a special event or program described in section 102(a)(4) of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services provided by the United States Capitol Police on or after the date of the enactment of this Act.

SEC. 7. OTHER CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 1015 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note) and section 1006 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1901 note; Public Law 108–83; 117 Stat. 1023) are repealed.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 2009.

SEC. 8. DEFINITIONS.

In this Act—

(1) the term ''Act of August 4, 1950'' means the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress,'' (2 U.S.C. 167 et seq.);

(2) the term ''Library of Congress Police employee'' means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167);

(3) the term ''Library of Congress Police civilian employee'' means an employee of the Library of Congress Office of Security and Emergency Preparedness who provides direct administrative support to, and is supervised by, the Library of Congress Police, but shall not include an employee of the Library of Congress who performs emergency preparedness or collections control and preservation functions; and

(4) the term ''transition period'' means the period the first day of which is the date of the enactment of this Act and the final day of which is September 30, 2009.

PRIVILEGES OF THE FLOOR

Mr. DODD. I ask unanimous consent that Ben Weingrod and Ryan Kehmma of my staff be granted the privilege of the floor for the duration of the debate on the FISA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, before my remarks, I ask unanimous consent that Matthew Solomon be granted floor privileges during consideration of the FISA bill. I make this request on behalf of Chairman LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL EMPLOYEE PROTECTION OF DISCLOSURES ACT

Ms. MIKULSKI. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 513, S. 274.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 274) to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Government Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Protection of Disclosures Act''.

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of'';

(B) in clause (i), by striking ''a violation'' and inserting ''any violation''; and

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

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of'';

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(C) in clause (ii), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(C) any disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

''(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

''(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.''.

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

''(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and''

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

''(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

''(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary),

detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

''(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

''(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).''.

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

Ms. MIKULSKI. I further ask that the amendment at the desk be agreed to; the committee-reported substitute amendment as amended be agreed to, the bill, as amended, be read for the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3801) was agreed to, as follows:

(Purpose: To provide for reports by the Government Accountability Office and the Merit Systems Protection Board on cases making allegations of violations of section 2302(b)(8) or (9) of title 5, United States Code, relating to whistleblowers)

After subsection (n), insert the following:

(o) REPORTING REQUIREMENTS.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—

(A) IN GENERAL.—Not later than 40 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this Act.

(B) CONTENTS.—The report under this paragraph shall include—

(i) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of the Act;

(ii) the outcome of the cases described under clause (i), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious; and

(iii) any other matter as determined by the Government Accountability Office.

(2) MERIT SYSTEMS PROTECTION BOARD.—

(A) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(i) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b)(8) or (9) of title 5, United States Code, were alleged.

(ii) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(B) FIRST REPORT.—The first report described under subparagraph (A) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2008 through the end of the fiscal year 2008.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 274), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 274

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

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Protection of Disclosures Act''.

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of'';

(B) in clause (i), by striking ''a violation'' and inserting ''any violation''; and

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

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of'';

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(C) in clause (ii), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(C) any disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

''(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

''(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.''.

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

''(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and''

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950

(50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

''(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

''(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

''(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

''(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).''.

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that

may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(o) REPORTING REQUIREMENTS.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—

(A) IN GENERAL.—Not later than 40 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this Act.

(B) CONTENTS.—The report under this paragraph shall include—

(i) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of the Act;

(ii) the outcome of the cases described under clause (i), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious; and

(iii) any other matter as determined by the Government Accountability Office.

(2) MERIT SYSTEMS PROTECTION BOARD.—

(A) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(i) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b)(8) or (9) of title 5, United States Code, were alleged.

(ii) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(B) FIRST REPORT.—The first report described under subparagraph (A) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2008 through the end of the fiscal year 2008.

(p) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

DR. JAMES ALLEN VETERAN VISION EQUITY ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House with respect to H.R. 797, the Veterans Vision Impairment.

The Presiding Officer (Mr. SANDERS) laid before the Senate the following message:

H.R. 797

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 797) entitled ''An Act to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter 'V' for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers'', with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Dr. James Allen Veteran Vision Equity Act of 2007''.

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

Sec. 1. Short title; table of contents.

TITLE I—LOW-VISION BENEFITS MATTERS

Sec. 101. Modification of rate of visual impairment for payment of disability compensation.

Sec. 102. Improvement in compensation for veterans in certain cases of impairment of vision involving both eyes.

TITLE II—MATTERS RELATING TO BURIAL AND MEMORIAL AFFAIRS

Sec. 201. Provision of medallion or other device for privately-purchased grave markers.

Sec. 202. Improvement in provision of assistance to States relating to the interment of veterans in cemeteries other than national cemeteries.

Sec. 203. Modification of authorities on provision of Government headstones and markers for burials of veterans at private cemeteries.

TITLE III—OTHER MATTERS

Sec. 301. Use of national directory of new hires for income verification purposes for certain veterans benefits.

Sec. 302. Extension of authority of Secretary of Veterans Affairs to provide an educational assistance allowance to persons performing qualifying work-study activities.

TITLE I—LOW-VISION BENEFITS MATTERS

SEC. 101. MODIFICATION OF RATE OF VISUAL IMPAIRMENT FOR PAYMENT OF DISABILITY COMPENSATION.

Section 1114(o) of title 38, United States Code, is amended by striking ''5/200'' and inserting ''20/200''.

SEC. 102. IMPROVEMENT IN COMPENSATION FOR VETERANS IN CERTAIN CASES OF IMPAIRMENT OF VISION INVOLVING BOTH EYES.

Section 1160(a)(1) of title 38, United States Code, is amended—

(1) by striking ''blindness'' both places it appears and inserting ''impairment of vision'';

(2) by striking ''misconduct;'' and inserting ''misconduct and—''; and

(3) by adding at the end the following new subparagraphs:

''(A) the impairment of vision in each eye is rated at a visual acuity of 20/200 or less; or

''(B) the peripheral field of vision for each eye is 20 degrees or less;''.

TITLE II—MATTERS RELATING TO BURIAL AND MEMORIAL AFFAIRS

SEC. 201. PROVISION OF MEDALLION OR OTHER DEVICE FOR PRIVATELY-PURCHASED GRAVE MARKERS.

Section 2306(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(5) In lieu of furnishing a headstone or marker under this subsection, the Secretary may furnish, upon request, a medallion or other device of a design determined by the Secretary to signify the deceased's status as a veteran, to be attached to a headstone or marker furnished at private expense.''.

SEC. 202. IMPROVEMENT IN PROVISION OF ASSISTANCE TO STATES RELATING TO THE INTERMENT OF VETERANS IN CEMETERIES OTHER THAN NATIONAL CEMETERIES.

(a) REPEAL OF TIME LIMITATION FOR STATE FILING FOR REIMBURSEMENT FOR INTERMENT COSTS.—

(1) IN GENERAL.—The second sentence of section 3.1604(d)(2) of title 38, Code of Federal Regulations, shall have no further force or effect as it pertains to unclaimed remains of a deceased veteran.

(2) RETROACTIVE APPLICATION.—Paragraph (1) shall take effect as of October 1, 2006 and apply with respect to interments and inurnments occurring on or after that date.

(b) GRANTS FOR OPERATION AND MAINTENANCE OF STATE VETERANS' CEMETERIES.—

(1) IN GENERAL.—Subsection (a) of section 2408 of title 38, United States Code, is amended to read as follows:

''(a)(1) Subject to subsection (b), the Secretary may make a grant to any State for the following purposes:

''(A) Establishing, expanding, or improving a veterans' cemetery owned by the State.

''(B) Operating and maintaining such a cemetery.

''(2) A grant under paragraph (1) may be made only upon submission of an application to the Secretary in such form and manner, and containing such information, as the Secretary may require.''.

(2) LIMITATION ON AMOUNTS AWARDED.—Subsection (e) of such section is amended—

(A) by inserting ''(1)'' before ''Amounts''; and

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

''(2) In any fiscal year, the aggregate amount of grants awarded under this section for the purposes specified in subsection (a)(1)(B) may not exceed $5,000,000.''.

(3) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b)—

(i) by striking ''Grants under this section'' and inserting ''A grant under this section for a purpose described in subsection (a)(1)(A)''; and

(ii) by striking ''a grant under this section'' each place it appears and inserting ''such a grant'';

(B) in subsection (d), by striking ''to assist such State in establishing, expanding, or improving a veterans' cemetery''; and

(C) in subsection (f)(1), by inserting '', or in operating and maintaining such cemeteries,'' after ''veterans' cemeteries''.

(4) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out the amendments made by this subsection.

SEC. 203. MODIFICATION OF AUTHORITIES ON PROVISION OF GOVERNMENT HEADSTONES AND MARKERS FOR BURIALS OF VETERANS AT PRIVATE CEMETERIES.

(a) REPEAL OF EXPIRATION OF AUTHORITY.—Subsection (d) of section 2306 of title 38, United States Code, as amended by section 201, is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5), as added by that section, as paragraphs (3) and (4), respectively.

(b) RETROACTIVE EFFECTIVE DATE.—Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–103; 115 Stat. 995; 38 U.S.C. 2306 note) or any other provision of law, the amendments made by that section and by subsections (a), (b), (c), (d), and (f) of section 402 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3429) shall take effect as of November 1, 1990, and shall apply with respect to headstones and markers for the graves of individuals dying on or after that date.

TITLE III—OTHER MATTERS

SEC. 301. USE OF NATIONAL DIRECTORY OF NEW HIRES FOR INCOME VERIFICATION PURPOSES FOR CERTAIN VETERANS BENEFITS.

(a) AUTHORITY FOR INFORMATION COMPARISONS AND DISCLOSURES OF INFORMATION TO ASSIST IN ADMINISTRATION OF CERTAIN VETERANS BENEFITS.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following new paragraph:

''(11) INFORMATION COMPARISONS AND DISCLOSURES TO ASSIST IN ADMINISTRATION OF CERTAIN VETERANS BENEFITS.—

''(A) FURNISHING OF INFORMATION BY SECRETARY OF VETERANS AFFAIRS.—Subject to the provisions of this paragraph, the Secretary of Veterans Affairs shall furnish to the Secretary, on such periodic basis as determined by the Secretary of Veterans Affairs in consultation with the Secretary, information in the custody of the Secretary of Veterans Affairs for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to individuals who are applying for or receiving—

''(i) needs-based pension benefits provided under chapter 15 of title 38, United States Code, or under any other law administered by the Secretary of Veterans Affairs;

''(ii) parents' dependency and indemnity compensation provided under section 1315 of title 38, United States Code;

''(iii) health care services furnished under subsections (a)(2)(G), (a)(3), or (b) of section 1710 of title 38, United States Code; or

''(iv) compensation paid under chapter 11 of title 38, United States Code, at the 100 percent rate based solely on unemployability and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule.

''(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Secretary of Veterans Affairs shall seek information pursuant to this paragraph only to the extent necessary to verify the employment and income of individuals described in subparagraph (A).

''(C) DUTIES OF THE SECRETARY.—

''(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Secretary of Veterans Affairs, shall compare information in the National Directory of New Hires with information provided by the Secretary of Veterans Affairs with respect to individuals described in subparagraph (A), and shall disclose information in such Directory regarding such individuals to the Secretary of Veterans Affairs, in accordance with this paragraph, for the purposes specified in this paragraph.

''(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part.

''(D) USE OF INFORMATION BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may use information resulting from a data match pursuant to this paragraph only—

''(i) for the purposes specified in subparagraph (B); and

''(ii) after removal of personal identifiers, to conduct analyses of the employment and income reporting of individuals described in subparagraph (A).

''(E) REIMBURSEMENT OF HHS COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.

''(F) CONSENT.—The Secretary of Veterans Affairs shall not seek, use, or disclose information under this paragraph relating to an individual without the prior written consent of such individual (or of a person legally authorized to consent on behalf of such individual).

''(G) EXPIRATION OF AUTHORITY.—The authority under this paragraph shall expire on September 30, 2011.''.

(b) AMENDMENTS TO VETERANS AFFAIRS AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5317 the following new section:

''§ 5317A. Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services

''(a) INDEPENDENT VERIFICATION REQUIRED.—The Secretary may terminate, deny, suspend, or reduce any benefit or service specified in section 5317(c), with respect to an individual under age 65 who is an applicant for or recipient of such a benefit or service, by reason of information obtained from the Secretary of Health and Human Services under section 453(j)(11) of the Social Security Act, only if the Secretary takes appropriate steps to verify independently information relating to the individual's employment and income from employment.

''(b) OPPORTUNITY TO CONTEST FINDINGS.—The Secretary shall inform each individual for whom the Secretary terminates, denies, suspends, or reduces any benefit or service under subsection (a) of the findings made by the Secretary under such subsection on the basis of verified information and shall provide to the individual an opportunity to contest such findings in the same manner as applies to other information and findings relating to eligibility for the benefit or service involved.

''(c) SOURCE OF FUNDS FOR REIMBURSEMENT TO SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary shall pay the expense of reimbursing the Secretary of Health and Human Services in accordance with section 453(j)(11)(E) of the Social Security Act, for the cost incurred by the Secretary of Health and Human Services in furnishing information requested by the Secretary under section 453(j)(11) of such Act, from amounts available to the Department for the payment of compensation and pensions.

''(d) EXPIRATION OF AUTHORITY.—The authority under this section shall expire on September 30, 2011.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5317 the following new item:

''5317A. Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services.''.

SEC. 302. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE AN EDUCATIONAL ASSISTANCE ALLOWANCE TO PERSONS PERFORMING QUALIFYING WORK-STUDY ACTIVITIES.

Section 3485(a)(4) of title 38, United States Code, is amended by striking ''June 30, 2007'' each place it appears and inserting ''June 30, 2010''.

Amend the title so as to read: ''An Act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.''.

Mr. DODD. Mr. President, I ask unanimous consent that the Senate concur in the House amendments to the Senate amendment, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTION FOR THE $1 COIN DISPENSING CAPABILITY REQUIREMENT

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 515, H.R. 3703.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3703) to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3703) was ordered to a third reading, was read the third time, and passed.

DO-NOT-CALL REGISTRY FEE EXTENSION ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 537, S. 781.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 781) to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Commerce, Science, and Transportation, with an amendment

To strike all after the enacting clause and insert in lieu thereof the following:

S. 781

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 ''Do-Not-Call Registry Fee Extension Act of 2007''.

SEC. 2. FEES FOR ACCESS TO REGISTRY.

Section 2, of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

''SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

''(a) IN GENERAL.—The Federal Trade Commission shall assess and collect an annual fee pursuant to this section in order to implement and enforce the 'do-not-call' registry as provided for in section 310.4(b)(1)(iii) of title 16, Code of Federal Regulations, or any other regulation issued by the Commission under section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102).

''(b) ANNUAL FEES.—

''(1) IN GENERAL.—The Commission shall charge each person who accesses the 'do-not-call' registry an annual fee that is equal to the lesser of—

''(A) $54 for each area code of data accessed from the registry; or

''(B) $14,850 for access to every area code of data contained in the registry.

''(2) EXCEPTION.—The Commission shall not charge a fee to any person—

''(A) for accessing the first 5 area codes of data; or

''(B) for accessing area codes of data in the registry if the person is permitted to access, but is not required to access, the 'do-not-call' registry under section 310 of title 16, Code of Federal Regulations, section 64.1200 of title 47, Code of Federal Regulations, or any other Federal regulation or law.

''(3) DURATION OF ACCESS.—

''(A) IN GENERAL.—The Commission shall allow each person who pays the annual fee described in paragraph (1), each person excepted under paragraph (2) from paying the annual fee, and each person excepted from paying an annual fee under section 310.4(b)(1)(iii)(B) of title 16, Code of Federal Regulations, to access the area codes of data in the 'do-not-call' registry for which the person has paid during that person's annual period.

''(B) ANNUAL PERIOD.—In this paragraph, the term 'annual period' means the 12-month period beginning on the first day of the month in which a person pays the fee described in paragraph (1).

''(c) ADDITIONAL FEES.—

''(1) IN GENERAL.—The Commission shall charge a person required to pay an annual fee under subsection (b) an additional fee for each additional area code of data the person wishes to access during that person's annual period.

''(2) RATES.—For each additional area code of data to be accessed during the person's annual period, the Commission shall charge—

''(A) $54 for access to such data if access to the area code of data is first requested during the first 6 months of the person's annual period; or

''(B) $27 for access to such data if access to the area code of data is first requested after the first 6 months of the person's annual period.

''(d) ADJUSTMENT OF FEES.—

''(1) IN GENERAL.—

''(A) FISCAL YEAR 2009.—The dollar amount described in subsection (b) or (c) is the amount to be charged for fiscal year 2009.

''(B) FISCAL YEARS AFTER 2009.—For each fiscal year beginning after fiscal year 2009, each dollar amount in subsection (b)(1) and (c)(2) shall be increased by an amount equal to—

''(i) the dollar amount in paragraph (b)(1) or (c)(2), whichever is applicable, multiplied by

''(ii) the percentage (if any) by which the CPI for the most recently ended 12-month period ending on June 30 exceeds the baseline CPI.

''(2) ROUNDING.—Any increase under subparagraph (B) shall be rounded to the nearest dollar.

''(3) CHANGES LESS THAN 1 PERCENT.—The Commission shall not adjust the fees under this section if the change in the CPI is less than 1 percent.

''(4) PUBLICATION.—Not later than September 1 of each year the Commission shall publish in the Federal Register the adjustments to the applicable fees, if any, made under this subsection.

''(5) DEFINITIONS.—In this subsection:

''(A) CPI.—The term 'CPI' means the average of the monthly consumer price index (for all urban consumers published by the Department of Labor).

''(B) BASELINE CPI.—The term 'baseline CPI' means the CPI for the 12-month period ending June 30, 2008.

''(e) PROHIBITION AGAINST FEE SHARING.—No person may enter into or participate in an arrangement (as such term is used in section 310.8(c) of the Commission's regulations (16 C.F.R. 310.8(c))) to share any fee required by subsection (b) or (c), including any arrangement to divide the costs to access the registry among various clients of a telemarketer or service provider.

''(f) HANDLING OF FEES.—

''(1) IN GENERAL.—The commission shall deposit and credit as offsetting collections any fee collected under this section in the account 'Federal Trade Commission—Salaries and Expenses', and such sums shall remain available until expended.

''(2) LIMITATION.—No amount shall be collected as a fee under this section for any fiscal year except to the extent provided in advance by appropriations Acts.''.

SEC. 3. REPORT.

Section 4 of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

''SEC. 4. REPORTING REQUIREMENTS.

''(a) BIENNIAL REPORTS.—Not later than December 31, 2009, and biennially thereafter, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

''(1) the number of consumers who have placed their telephone numbers on the registry;

''(2) the number of persons paying fees for access to the registry and the amount of such fees;

''(3) the impact on the 'do-not-call' registry of—

''(A) the 5-year reregistration requirement;

''(B) new telecommunications technology; and

''(C) number portability and abandoned telephone numbers; and

''(4) the impact of the established business relationship exception on businesses and consumers.

''(b) ADDITIONAL REPORT.—Not later than December 31, 2009, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

''(1) the effectiveness of do-not-call outreach and enforcement efforts with regard to senior citizens and immigrant communities;

''(2) the impact of the exceptions to the do-not-call registry on businesses and consumers, including an analysis of the effectiveness of the registry and consumer perceptions of the registry's effectiveness; and

''(3) the impact of abandoned calls made by predictive dialing devices on do-not-call enforcment.''.

SEC. 4. RULEMAKING.

The Federal Trade Commission may issue rules, in accordance with section 553 of title 5, United States Code, as necessary and appropriate to carry out the amendments to the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) made by this Act.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported amendment be considered and agreed to, the bill as amended be read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 781), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

DO-NOT-CALL IMPROVEMENT ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 2096.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2096) to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2096

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 ''Do-Not-Call Improvement Act of 2007''.

SEC. 2. PROHIBITION OF EXPIRATION DATE FOR REGISTERED TELEPHONE NUMBERS.

(a) IN GENERAL.—The registration of a telephone number on the do-not-call registry of the

Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)) shall not expire at the end of any specified time period.

(b) REINSTATEMENT.—The Federal Trade Commission shall reinstate the registration of any telephone number that has been removed from the registry before the date of enactment of this Act under a Federal Trade Commission rule or practice requiring the removal of a telephone number from the registry 5 years after its registration.

(c) REGISTRY MAINTENANCE.—The Federal Trade Commission may check telephone numbers listed on the do-not-call registry against national databases periodically and purge those numbers that have been disconnected and reassigned.

Mr. DODD. I ask unanimous consent that the amendment at the desk be considered and agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3867) was agreed to, as follows:

(Purpose: To require the FTC to report to the Congress on its efforts to improve the accuracy of the Do-Not-Call Registry)

At the end of the bill, add the following:

SEC. 3. REPORT ON ACCURACY.

Not later than 9 months after the enactment of this Act, the Federal Trade Commission shall report to the Congress on efforts taken by the Commission, after the date of enactment of this Act, to improve the accuracy of the ''do-not-call'' Registry.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 2096

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 ''Do-Not-Call Improvement Act of 2007''.

SEC. 2. PROHIBITION OF EXPIRATION DATE FOR REGISTERED TELEPHONE NUMBERS.

(a) IN GENERAL.—The registration of a telephone number on the do-not-call registry of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)) shall not expire at the end of any specified time period.

(b) REINSTATEMENT.—The Federal Trade Commission shall reinstate the registration of any telephone number that has been removed from the registry before the date of enactment of this Act under a Federal Trade Commission rule or practice requiring the removal of a telephone number from the registry 5 years after its registration.

(c) REGISTRY MAINTENANCE.—The Federal Trade Commission may check telephone numbers listed on the do-not-call registry against national databases periodically and purge those numbers that have been disconnected and reassigned.

SEC. 3. REPORT ON ACCURACY.

Not later than 9 months after the enactment of this Act, the Federal Trade Commission shall report to the Congress on efforts taken by the Commission, after the date of enactment of this Act, to improve the accuracy of the ''do-not-call'' Registry.

COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. DODD. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 660, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, at the very beginning of this Congress, one of the very first actions I took was to reintroduce the Court Security Improvement Act of 2007, along with Senators REID, SPECTER, DURBIN, CORNYN, KENNEDY, HATCH, SCHUMER and COLLINS. The Judiciary Committee considered this important legislation, and recommended it to the full Senate. When Majority Leader REID wanted to move to consider it, he could not get a time agreement. We were forced to dedicate almost a week of precious floor time to overcome a Republican objection, just to proceed to debate on the bill. Eventually, the measure passed by a 97 to 0 vote. Not a single Senator voted against it. A short time later, a nearly identical bill passed the House by a voice vote. Despite the broad bipartisan support for both bills, however, we were blocked from going to conference to resolve the minor differences between them by an anonymous hold placed by a Republican Senator. For months, we negotiated the minor differences between the House and Senate versions of this legislation.

When we are responding to attacks and threats on our Federal judges, witnesses and officers, time is of the essence. Just last month in Nevada, a man admitted to shooting and injuring the family court judge who was presiding over his divorce. This type of violence against our judiciary can and must be prevented. For our justice system to function effectively, our judges and other court personnel must be safe and secure. They and their families must be free from the fear of retaliation and harassment. Witnesses who come forward must be protected, and the courthouses where our laws are enforced must be secure. Today, almost eleven months after introducing this legislation, we may actually reach consent to pass a compromise version that will pass the House and be sent to the President.

We must act now to get these protections in place and stop delaying such protective measures by anonymous holds. I urge Senators to take up and pass this compromise version of the Court Security Improvement Act so that we can provide the necessary protections that our Federal courts so desperately need. The security of our Federal judges and our courthouses around the Nation is at stake.

Mr. KYL. Mr. President, I rise today to comment on H.R. 660, the Court Security Improvement Act of 2007. Section 509 of the final substitute transfers one seat from the U.S. Court of Appeals for the District of Columbia Circuit to the U.S. Court of Appeals for the Ninth Circuit. The reasons for this change are explained in Senator FEINSTEIN's and my additional views in S. Rept. 110–42.

Section 102 of the bill authorizes the U.S. Marshals Service to provide protection to the U.S. Tax Court, and stipulates that the Marshals Service retains final authority regarding the Tax Court's security needs. The Tax Court has expressed concern to me and to other Members that the Marshals Service should consult with the Tax Court about the costs that it expects to incur for providing security—costs that will be charged to the Tax Court. The Marshals Service has assured Congress that it will consult with the Tax Court on these matters and that it will not surprise the Tax Court with charges that the court may have difficulty paying. Rather than include heavy-handed consultation requirements in the text of the legislation, we have agreed to adopt the bill in its current form on the strength of these assurances.

Section 202 of the bill makes it an offense to disseminate sensitive personal information about Federal police officers and criminal informants and witnesses. The final version extends this offense to also protect State law enforcement officers, but only to the extent that their participation in Federal activities creates a Federal interest sufficient to maintain this provision's consistency with principles of federalism.

Section 207 increases statutory maximum penalties for manslaughter under section 1112 of title 18. I expect the U.S. Sentencing Commission to revise its guidelines for these offenses in light of these new higher statutory maxima. I commented on the need for these changes when the Senate version of this bill passed the Senate earlier this year and would refer interested parties to those remarks and especially to Paul Charlton's testimony, at 153 CONG. REC. S4739–4741, daily ed. April 19, 2007.

Section 208 increases the penalties for retaliatory assaults against Federal judges' family members. This provision also clarifies an assault offense that was created by Congress in 1994. The offense establishes penalties for simple assault, assault with bodily injury, and for assault in ''all other cases.'' As one might imagine, the meaning of assault in ''all other cases'' has been the subject of confusion and judicial debate. The offense has also been the subject of constant vagueness challenges, and although those legal challenges have been rejected, the offense is rather vague. Section 208 takes the opportunity to correct this legislative sin, codifying what I believe is the most thoughtful explanation of what this

language means, the 10th Circuit's decision in *United States* v. *Hathaway*, 318 F.3d 1001, 1008–09, 10th Cir. 2003. A conforming change has also been made to section Ill of title 18, so that sections 111 and 115 will match each other and, again, so that people can easily figure out what this offense actually proscribes.

Section 503 of the bill guarantees that senior district judges may elect to participate in court rulemaking, appointment of magistrates and court officers, and other administrative matters, so long as such judges carry at least half of the caseload of an active district judge. I believe that this provision is a bad idea, though its negative consequences have been greatly mitigated in this final substitute as a result of the intervention of Senator SESSIONS. Many senior judges are often not present at the courthouse and are disengaged from the work of the court and the life of the court. Moreover, Congress has no business telling the courts how to manage these types of internal organizational matters. Those jurists who share my objection to this provision should be grateful to Senator SESSIONS, who insisted that the provision be limited to district judges as opposed to circuit judges, that a senior judge be required to elect to exercise these functions, and that a senior judge carry at least half of a full caseload in order to be entitled to assume these powers.

Finally, section 511 adds nomenclature to section 2255 of title 28, a change recommended to me by Kent Scheidegger of the Criminal Justice Legal Foundation. This change has no substantive effect but should make this code section easier for litigants to cite.

Mr. DODD. I ask unanimous consent that a Leahy substitute amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3868) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 660), as amended, was read the third time and passed.

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3690, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

RIGHTS AND PROTECTIONS

Mr. LIEBERMAN. Mr. President, I appreciate the work by my colleague, Senator FEINSTEIN, who chairs the Committee on Rules and Administration, and by other Senators over many years to accomplish this merger of the U.S. Capitol Police and the Library of Congress Police.

The U.S. Capitol Police and Library of Congress Police Merger and Implementation Act of 2007 provides that employees of the Library of Congress Police shall be transferred to the United States Capitol Police. I would like to ask my colleague Senator FEINSTEIN about provisions under which the Chief of the U.S. Capitol Police will make certain final determinations regarding the incoming Library of Congress Police employees that shall not be appealable or reviewable in any manner. It is my understanding that these provisions would generally prevent individuals from appealing or seeking review of the determinations of the Chief of the U.S. Capitol Police, but would not limit the right of any individual to seek any appropriate relief under the Congressional Accountability Act if these determinations by the Chief allegedly violated that act.

The Congressional Accountability Act was enacted in 1995 to provide to congressional employees the same rights and protections that are available to other employees in our Nation, including protection against discrimination on the basis of race, sex, national origin, religion, or age. My understanding is that the merger legislation would in no way limit the right of any employee covered under the Congressional Accountability Act to initiate an action regarding any alleged violation of rights protected under that Act. I have also been told that this interpretation of the legislation is shared by the Chief of the U.S. Capitol Police, and that Library of Congress employees transferring to the U.S. Capitol Police will be informed and educated about their rights and protections under the Congressional Accountability Act.

Mrs. FEINSTEIN. The understanding of my colleague from Connecticut, Senator LIEBERMAN, is correct. The finality provisions in this legislation were intended to give the Chief of the U.S. Capitol Police authority to transfer employees and assign duties as necessary to meet the mission of the U.S. Capitol Police in maintaining the security of the Capitol complex. However, the provisions in this legislation in no way limit the protections and rights of an employee to seek relief under the Congressional Accountability Act.

Mr. LIEBERMAN. I thank the Senator for her assistance and courtesy.

Mr. DODD. I ask unanimous consent that the amendment at the desk be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3869) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3690)was read the third time and passed.

NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 541, S. Res. 388.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 388) designating the week of February 4 through February 8, 2008, as ''National Teen Dating Violence Awareness and Prevention Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 388) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 388

Whereas 1 in 3 female teenagers in a dating relationship has feared for her physical safety;

Whereas 1 in 2 teenagers in a serious relationship has compromised personal beliefs to please a partner;

Whereas 1 in 5 teenagers in a serious relationship reports having been hit, slapped, or pushed by a partner;

Whereas 27 percent of teenagers have been in dating relationships in which their partners called them names or put them down;

Whereas 29 percent of girls who have been in a relationship said that they have been pressured to have sex or to engage in sexual activities that they did not want;

Whereas technologies such as cell phones and the Internet have made dating abuse both more pervasive and more hidden;

Whereas 30 percent of teenagers who have been in a dating relationship say that they have been text-messaged between 10 and 30 times per hour by a partner seeking to find out where they are, what they are doing, or who they are with;

Whereas 72 percent of teenagers who reported they'd been checked up on by a boyfriend or girlfriend 10 times per hour by email or text messaging did not tell their parents;

Whereas parents are largely unaware of the cell phone and Internet harassment experienced by teenagers;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims, putting them at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

Resolved, That the Senate—

(1) designates the week of February 4 through February 8, 2008, as ''National Teen Dating Violence Awareness and Prevention Week''; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

HONORING THE UNIVERSITY OF HAWAII

Mr. DODD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 264, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 264) honoring the University of Hawaii for its 100 years of commitment to public higher education.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 264) was agreed to.

The preamble was agreed to.

RELATIVE TO THE DEATH OF REPRESENTATIVE JULIA CARSON, OF INDIANA

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 407, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 407) relative to the death of Representative JULIA CARSON, of Indiana.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table en bloc; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 407) was agreed to, as follows:

S. RES. 407

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable JULIA CARSON, late a Representative from the State of Indiana.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

CONGRATULATING THE VALDOSTA STATE UNIVERSITY FOOTBALL TEAM

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 408 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 408) congratulating the Valdosta State University football team on winning the 2007 Division II national championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 408) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 408

Whereas, on December 15, 2007, the Valdosta State University Blazers football team defeated Northwest Missouri State University by a score of 25-20 in Florence, Alabama, to win the 2007 National Collegiate Athletic Association (NCAA) Division II National Championship;

Whereas this victory gave Valdosta State University its 2nd football national championship title in 4 years;

Whereas Coach David Dean became only the 2nd 1st-year head coach in NCAA history to lead a team to the Division II title;

Whereas the Blazers finished the season with an impressive 13-1 record, including victories over Catawba College, the University of North Alabama, and California University of Pennsylvania in the playoffs to advance to the championship game against Northwest Missouri State University; and

Whereas 7 Valdosta State University players were named to the All-Gulf Conference team, including wide receiver Cedric Jones and safety Sherard Reynolds, who were also named to the All-American team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and honors the Valdosta State University Blazers football team on winning the 2007 National Collegiate Athletic Association Division II National Championship;

(2) recognizes and commends the courage, hard work, and dedication displayed by the Valdosta State University football team and staff throughout the season in order to obtain this great honor; and

(3) commends Valdosta State University, the city of Valdosta, and all of the fans of the Blazers football team throughout the State of Georgia for their endless support of this special team throughout the 2007 championship season.

ORDERS FOR TUESDAY, DECEMBER 18, 2007

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, December 18; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and that there be a period of morning business for 90 minutes, with the time equally divided and controlled between the two leaders or their designees; that Senators be permitted to speak therein for up to 10 minutes each; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conference meetings; that the motion to proceed to S. 2248 be adopted once this consent is granted and that all time postcloture be considered yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

The PRESIDING OFFICER. The clerk will report the the bill by title.

The legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, and so forth and for other purposes.

ORDER OF BUSINESS

Mr. DODD. Mr. President, I would like to announce on behalf of the leader it is his intent to consider the House message on H.R. 2764, the State, Foreign Operations Appropriations Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the provisions of S. Res. 407, as a further mark of respect on the passing of Julia Carson, late Representative from Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate stands in adjournment until 10 a.m. tomorrow, pursuant to S. Res. 407, and does so as a mark of further respect to the memory of Julia Carson, late Representative from the State of Indiana.

Thereupon, the Senate, at 8:01 p.m., adjourned until Tuesday, December 18, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 18, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

December 19

9:30 a.m.

Homeland Security and Governmental Affairs

Business meeting to consider H.R. 3974, to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the ''Marine Corps Corporal Steven P. Gill Post Office Building'', H.R. 3470, to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the ''John Sidney 'Sid' Flowers Post Office Building'', H.R. 4009, to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the ''Turrill Post Office Building'', S. 2478, to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office'', H.R. 3569, to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building'', and the nominations of Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator, Federal Emergency Management Agency, and Jeffrey William Runge, of North Carolina, to be Assistant Secretary for Health Affairs and Chief Medical Officer, both of the Department of Homeland Security, and Steven H. Murdock, of Texas, to be Director of the Census, Department of Commerce.

SD–342

10 a.m.

Environment and Public Works

Business meeting to consider S. 1189, to designate the Federal building and United States Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse'', H.R. 735, to designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building'', S. 862, to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building'', and the nominations of Kristine L. Svinicki, of Virginia, and Gregory B. Jaczko, of the District of Columbia, both to be Members of the Nuclear Regulatory Commission.

SD–406

Judiciary

To hold hearings to consider the nomination of Mark R. Filip, of Illinois, to be Deputy Attorney General, Department of Justice.

SD–226

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold an oversight hearing to examine the Federal Motor Carrier Safety Administration, focusing on truck driver hours-of-service (HOS) rules and truck safety.

SR–253

11 a.m.

Foreign Relations

To receive a closed briefing on Kosovo, focusing on future challenges.

S–407, Capitol

11:30 a.m.

Energy and Natural Resources

Business meeting to consider the nomination of Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission.

SD–366

December 20

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary, both of the Department of Transportation.

SR–253

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S15709–S15792

Measures Introduced: Three bills and two resolutions were introduced, as follows: S. 2492–2494, and S. Res. 407–408. **Pages S15770–71**

Measures Passed:

Federal Employee Protection of Disclosures Act: Senate passed S. 274, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S15782–86**

Mikulski (for Coburn) Amendment No. 3801, to provide for reports by the Government Accountability Office and the Merit Systems Protection Board on cases making allegations of violations of section 2302(b)(8) or (9) of title 5, United States Code, relating to whistleblowers. **Page S15784**

Coin Dispensing Capability Requirements: Senate passed H.R. 3703, to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines, clearing the measure for the President. **Pages S15787–88**

Do-Not-Call Registry fees: Senate passed S. 781, to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007, after agreeing to the committee amendment in the nature of a substitute. **Page S15788**

Do-Not-Call Improvement Act: Senate passed S. 2096, to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry, after agreeing to the following amendment proposed thereto: **Pages S15788–89**

Dodd (for Dorgan) Amendment No. 3867, to require the FTC to report to the Congress on its efforts to improve the accuracy of the Do-Not-Call Registry. **Page S15789**

Court Security Improvement Act: Committee on the Judiciary was discharged from further consideration of H.R. 660, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S15789–90**

Dodd (for Leahy) Amendment No. 3868, in the nature of a substitute. **Page S15790**

U.S. Capitol Police and Library of Congress Police Merger Implementation Act: Senate passed H.R. 3690, to provide for the transfer of the Library of Congress police to the United States Capitol Police, after agreeing to the following amendment proposed thereto: **Page S15790**

Dodd (for Feinstein) Amendment No. 3869, in the nature of a substitute. **Page S15790**

National Teen Dating Violence Awareness and Prevention Week: Senate agreed to S. Res. 388, designating the week of February 4 through February 8, 2008, as ''National Teen Dating Violence Awareness and Prevention Week''. **Pages S15790–91**

Honoring the University of Hawaii: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 264, honoring the University of Hawaii for its 100 years of commitment to public higher education, and the resolution was then agreed to. **Page S15791**

Honoring Representative Julia Carson: Senate agreed to S. Res. 407, relative to the death of Representative Julia Carson, of Indiana. **Page S15791**

Congratulating Valdosta State University Football Team: Senate agreed to S. Res. 408, congratulating the Valdosta State University football team on winning the 2007 Division II National Championship. **Page S15791**

Measures Considered:

FISA Amendments Act: Senate resumed consideration of the motion to proceed to consideration of S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act. **Pages S15710–67**

During consideration of this measure today, Senate also took the following action:

By 76 yeas to 10 nays (Vote No. 435), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S15726**

A unanimous-consent agreement was reached providing the motion to proceed be agreed to and that all time post-cloture be yielded back. **Page S15791**

House Messages:

Blinded Veterans Paired Organ Act: Senate concurred in the amendments of the House to the amendment of the Senate to H.R. 797, to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter ''V'' for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers, clearing the measure for the President. **Pages S15786–87**

Executive Communications: **Pages S15769–70**

Petitions and Memorials: **Page S15770**

Additional Cosponsors: **Page S15771**

Statements on Introduced Bills/Resolutions: **Pages S15771–72**

Additional Statements: **Page S15769**

Amendments Submitted: **Pages S15772–81**

Privileges of the Floor: **Page S15782**

Record Votes: One record vote was taken today. (Total—435) **Page S15726**

Adjournment: Senate convened at 10 a.m. and adjourned, as a further mark of respect to the memory of the late Julie Carson, United States House Representative from the State of Indiana, in accordance with S. Res. 407, at 8:01 p.m., until 10:00 a.m. on Tuesday, December 18, 2007. (For Senate's program, see the remarks of the in today's Record on page S15791.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 66 public bills, H.R. 4708–4773; and 6 resolutions, H. Con. Res. 270–271; and H.Res. 879–882 were introduced. **Pages H15736–38**

Additional Cosponsors: **Pages H15738–39**

Reports Filed: Reports were filed today as follows:

H.R. 3179, to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments (H. Rept. 110–494);

H. Res. 876, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 110–495);

H. Res. 877, providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government (H. Rept. 110–496); and

H. Res. 878, providing for the consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008 (H. Rept. 110–497). **Page H15736**

Speaker: Read a letter from the Speaker wherein she appointed Representative Baird to act as Speaker Pro Tempore for today. **Page H15471**

Recess: The House recessed at 10:31 a.m. and reconvened at noon. **Page H15471**

Whole Number of the House: The Chair announced to the House that, in light of the passing of Representative Carson of Indiana, the whole number of the House is adjusted to 433. **Page H15472**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing the contributions of the Christmas tree industry to the United States economy: H.J.Res. 15, to recognize the contributions of the Christmas tree industry to the United States economy; **Pages H15473–74**

Providing for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia: H.R. 3454, to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries; **Pages H15474–75**

Amending the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act: H.R. 1374, to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act; **Pages H15475–76**

Expressing heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007: H.Res. 856, to express heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007, by a 2/3 yea-and-nay vote of 387 yeas with none voting ''nay'', Roll No. 1163; **Pages H15476–77, H15513**

Honoring local and state first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007: H.Res. 851, to honor local and state first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007, by a 2/3 yea-and-nay vote of 390 yeas with none voting ''nay'', Roll No. 1164; **Pages H15477–79, H15513–14**

Recognizing and celebrating the centennial of Oklahoma statehood: H.Con.Res. 254, to recognize and celebrate the centennial of Oklahoma statehood, by a 2/3 yea-and-nay vote of 403 yeas to 1 nay with 1 voting ''present'', Roll No. 1173; **Pages H15479–80, H15726–27**

Lance Corporal Dennis James Veater Post Office Designation Act: H.R. 3911, to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the ''Lance Corporal Dennis James Veater Post Office''; **Pages H15480–81**

Paul E. Gillmor Post Office Building Designation Act: S. 2174, to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''—clearing the measure for the President; LPages H15481–82

Congratulating the Colorado Rockies on winning the National League Championship and playing in the 2007 World Series: H. Res. 816, amended, to congratulate the Colorado Rockies on winning the National League Championship and playing in the 2007 World Series; **Page H15482**

Agreed to amend the title so as to read: ''Congratulating the Colorado Rockies on winning the National League Championship.''. **Page H15482**

Dan Miller Post Office Building Designation Act: H.R. 4342, to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the ''Dan Miller Post Office Building''; **Pages H15482–83**

Dock M. Brown Post Office Building Designation Act: H.R. 4210, to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''; **Pages H15483–84**

Federal Food Donation Act of 2007: H.R. 4220, amended, to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food; **Pages H15484–88**

Local Preparedness Acquisition Act: H.R. 3179, to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments; **Pages H15488–89**

Making corrections in the enrollment of the bill H.R. 1593: H. Con. Res. 270, to make corrections in the enrollment of the bill H.R. 1593; **Pages H15489–90**

Honoring the United States Marine Corps for serving and defending the United States on the

anniversary of its founding on November 10, 1775: H. Con. Res. 246, to honor the United States Marine Corps for serving and defending the United States on the anniversary of its founding on November 10, 1775; **Pages H15490–92**

Awarding a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma: H.R. 4286, to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma, by a 2/3 yea-and-nay vote of 400 yeas with none voting ''nay'', Roll No. 1170; **Pages H15497–H15500, H15527–28**

Renaming the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development: S. 2484, to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development—clearing the measure for the President; **Pages H15500–01**

Granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding: S.J. Res. 13, to grant the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding—clearing the measure for the President; and **Pages H15501–04**

Mourning the passing of Congressman Henry J. Hyde and celebrating his leadership and service to the people of Illinois and the United States of America: H. Res. 843, amended, to mourn the passing of Congressman Henry J. Hyde and to celebrate his leadership and service to the people of Illinois and the United States of America. **Pages H15504–07**

Recess: The House recessed at 3:40 p.m. and reconvened at 5:49 p.m. **Pages H15507–08**

Moment of Silence: The House observed a moment of silence in memory of the late Honorable Julia Carson. **Page H15514**

Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules: The House agreed to H. Res. 873, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, by a yea-and-nay vote of 212 yeas to 185 nays, Roll No. 1166, after agreeing to order the previous question by a yea-and-nay vote of 215 yeas to 183 nays, Roll No. 1165. **Pages H15508–12, H15514–16**

In Memory of the late Honorable Julia Carson of Indiana: The House agreed to H. Res. 880, expressing the condolences of the House on the death of the Honorable Julia Carson, a Representative from the State of Indiana. **Page H15516**

Adjournment Resolution: The House failed to agree to H. Con. Res. 271, providing for the sine die adjournment of the One Hundred Tenth Congress, First Session, by a yea-and-nay vote of 184 yeas to 218 nays, Roll No. 1167. **Pages H15525–26**

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008: The House agreed to the Senate amendment with amendments, made in order by the rule and printed in H. Rept. 110–497, to H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008. **Pages H15516–25, H15528–H15726**

On a division of the question, the House agreed to the Senate amendment with amendment No. 1 printed in H. Rept. 110–497 by a yea-and-nay vote of 253 yeas to 154 nays with 1 voting ''present'', Roll No. 1171. **Page H15725**

On a division of the question, the House agreed to the Senate amendment with amendment No. 2 printed in H. Rept. 110–497 by a yea-and-nay vote of 206 yeas to 201 nays, Roll No. 1172. **Pages H15725–26**

H. Res. 878, the rule providing for consideration of the Senate amendment, was agreed to by a yea-and-nay vote of 214 yeas to 189 nays, Roll No. 1169, after agreeing to order the previous question by a yea-and-nay vote of 216 yeas to 186 nays, Roll No. 1168. **Pages H15526–27**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Expressing the unconditional support of the House of Representatives for the members of the National Guard: H. Res. 542, amended, to express the unconditional support of the House of Representatives for the members of the National Guard and **Pages H15492–94**

Veterans Guaranteed Bonus Act of 2007: H.R. 3793, amended, to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated. **Pages H15494–97**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the

House today and messages received from the Senate today appear on pages H15489, H15528.

Senate Referrals: S. 1396 and S. 2339 were referred to the Committee on Veterans' Affairs; S. 1858 and S. 1916 were referred to the Committee on Energy and Commerce; S. 2400 was referred to the Committee on Armed Services; S. 2488 was referred to the Committee on Oversight and Government Reform; S. 1839 was referred to the Committee on Foreign Affairs; and S. 1585, S. 2338, S. 274, S. 781, and S. 2096 were held at the desk. **Page H15735**

Quorum Calls—Votes: Eleven yea-and-nay votes developed during the proceedings of today and appear on pages H15513, H15513–14, H15515, H15515–16, H15525–26, H15526, H15526–27, H15527, H15725, H15725–26, H15726–27. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and at 11:56 p.m., pursuant to the provisions of H. Res. 880, it stands adjourned in memory of the late Honorable Julia Carson.

Committee Meetings

SENATE AMENDMENT—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS FISCAL YEAR ENDING SEPTEMBER 30, 2008

Committee on Rules: The Committee granted, by a voice vote, a rule making in order a motion by the chairman of the Committee on Appropriations to concur in the Senate amendment with each of the two House amendments printed in the Rules Committee report. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI and provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule provides for a division of the question of adoption of the motion between the two House amendments. Finally, the rule provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker. Testimony was heard from Chairman Obey and Representative Broun of Georgia.

SENATE AMENDMENT TO HOUSE AMENDMENT—ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Committee on Rules: Granted by a voice vote, a rule making in order a motion by the Majority Leader or his designee that the House concur in the Senate amendment. The rule waives all points of order against the motion except clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate in the House on the motion equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The rule further provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker. Finally, the rule provides that the House shall not conduct organizational or legislative business on the first legislative day of the second session of the 110th Congress.

SAME DAY CONSIDERATION OF RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by non-record vote, a rule waiving 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 rules reported from the Rules Committee. The rule applies the waiver to any rule reported on or before the legislative day of December 19, 2007, providing for consideration or disposition of any of the following measures: (1) a bill relating to the Children's Health Insurance Program, or an amendment thereto; (2) a bill relating to Medicare, or an amendment thereto; (3) a bill relating to the alternative minimum tax, or an amendment thereto; (4) a joint resolution making further continuing appropriations for the fiscal year 2008, or an amendment thereto; and (5) the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, or an amendment thereto.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1634)*

H.R. 3688, to implement the United States-Peru Trade Promotion Agreement. Signed on December 14, 2007. (Public Law 110–138)

COMMITTEE MEETINGS FOR TUESDAY, DECEMBER 18, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of Mary Beth Long, of Virginia, and James Shinn, of New Jersey, both to be an Assistant Secretary of Defense, and Craig W. Duehring, of Minnesota, and John H. Gibson, of Texas, both to be an Assistant Secretary of the Air Force, all of the Department of Defense, 10 a.m., SH–216.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board, and Denver Stutler, Jr., of Florida, Nancy A. Naples, of New York, and Thomas C. Carper, of Illinois, all to be Members of the Reform Board (Amtrak), 11 a.m., SR–253.

Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine oil spills from non-tank vessels, focusing on threats, risks, and vulnerabilities, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the nomination of Jon Wellinghoff, of Nevada, to be a member of the Federal Energy Regulatory Commission, 10:30 a.m., SD–366.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Steven H. Murdock, of Texas, to be Director of the Census, Department of Commerce, 3:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nominations of Ondray T. Harris, of Virginia, to be Director, Community Relations Service, David W. Hagy, of Texas, to be Director of the National Institute of Justice, Cynthia Dyer, of Texas, to be Director of the Violence Against Women Office, Department of Justice, and Nathan J. Hochman, of California, to be an Assistant Attorney General, all of the Department of Justice, and Scott M. Burns, of Utah, to be Deputy Director of National Drug Control Policy, 10 a.m., SD–226.

House

Committee on Energy and Commerce, to continue consideration of H.R. 4040, Consumer Product Safety and Modernization Act, and to consider H.R. 1216, Cameron Gulbransen Kids and Cars Safety Act of 2007, 3 p.m., 2123 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, oversight hearing on the Legacy of the Trans-Atlantic Slave Trade, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 4175, Privacy and Cybercrime Enforcement Act of 2007, 1 p.m., 2141 Rayburn.

Next Meeting of the SENATE

10 a.m., Tuesday, December 18

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 90 minutes), Senate expects to begin consideration of the House message to accompany H.R. 2764, Department of State, Foreign Operations and Related Programs Appropriations Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, December 18

House Chamber

Program for Tuesday: Consideration of the Senate amendment to H.R. 6—Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

(Explanatory material relating to appropriations measures for fiscal year 2008 will be printed in Books II and III of the Record dated Monday, December 17, 2007.)

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